



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Thursday, 12 April 2018**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL21

**Thursday, 12 April 2018**

**The PRESIDENT (The Hon. John George Ajaka)** took the chair at 10:00.

**The PRESIDENT** read the prayers.

### *Visitors*

#### **VISITORS**

**The PRESIDENT:** I take this opportunity on behalf of all honourable members to welcome the guests of the Hon. Daniel Mookhey from the Sydney Mechanics' School of Arts: President Winsome Allen, Vice President Cecile Cornfort and Vice President Paul Reid. The school recently celebrated its 185th anniversary.

### *Motions*

#### **SRI LANKAN INDEPENDENCE DAY CELEBRATIONS**

**The Hon. NATASHA MACLAREN-JONES (10:03):** On behalf of the Hon. Scott Farlow: I move:

- (1) That this House notes that:
  - (a) on 6 February 2018 the seventieth Sri Lankan Independence Day celebrations were hosted at Sydney University's Great Hall by the Consulate General of Sri Lanka; and
  - (b) the event was attended by His Excellency Mr Somasundaram Skandakumar, High Commissioner of Sri Lanka in Australia; Consul General Lal Wickrematunge; Mr Damien Tudehope, MP; Ms Jodie McKay, MP; Mr Kevin Conolly, MP; and the Hon. Scott Farlow, MLC, representing the Minister for Multiculturalism and Disability Services, the Hon. Ray Williams, MP, and the Premier, the Hon. Gladys Berejiklian, MP.
- (2) That this House notes that:
  - (a) New South Wales has a vibrant and growing Sri Lankan community, with nearly 30,000 people born in Sri Lanka and 26,235 New South Wales residents claiming Sri Lankan ancestry with the highest concentrations in the Blacktown, Parramatta, Cumberland, Hills, Ryde and Strathfield local government areas;
  - (b) New South Wales and Sri Lanka's joint cooperation is notable in many fields, such as education, dating back to the Colombo Plan, in trade and investment, and in sports such as cricket; and
  - (c) the Government is proud of the many contributions to our society made by Sri Lankan Australians and hopes to continue fostering the growth and contributions of Sri Lankans across the State.
- (3) That this House acknowledges that this event highlights the strong diplomatic relations New South Wales and Australia share with Sri Lanka and its people and looks forward to the future of the bilateral relations of both nations.

**Motion agreed to.**

#### **CHINA FUN LUNAR NEW YEAR CARNIVAL**

**The Hon. NATASHA MACLAREN-JONES (10:04):** On behalf of the Hon. Scott Farlow: I move:

- (1) That this House notes that:
  - (a) on 3 March 2018 the fourth annual China Fun Carnival was held at Burwood Park, Burwood;
  - (b) the China Fun Carnival is one of the largest events held in celebration of the Chinese community and the lunar New Year, with over 30,000 visitors on the day attending the event and festivities in Burwood Park, including the Hon. Alex Hawke, MP, Assistant Minister for Home Affairs representing the Hon. Malcolm Turnbull, MP, Prime Minister; and the Hon. Craig Laundy, MP, member for Reid; and
  - (c) the Hon. Ernest Wong, MLC; Councillor John Faker, Mayor of Burwood; Canada Bay and Strathfield councillors were also in attendance as well as the Hon. Scott Farlow, MLC, representing the Hon. Gladys Berejiklian, MP, Premier.
- (2) That this House notes that:
  - (a) the China Fun Carnival is a celebration of the close cultural bond that over half a million Chinese descendants who currently reside in New South Wales share with the Australian community;
  - (b) more than 50 multicultural associations took part in the festivities celebrating the Year of the Dog; and
  - (c) events such as these attract over 100,000 visitors to New South Wales between 16 February and 4 March 2018.

- (3) That this House acknowledges the tireless efforts and work conducted by the President of the Australian Culture and Commerce Association Mr Robin Hu and all the members, volunteers and organisers who contributed to the event.

**Motion agreed to.**

**NSW SURF LIFE SAVING CHAMPIONSHIPS**

**The Hon. NATASHA MACLAREN-JONES (10:04):** On behalf of Mr Scot MacDonald: I move:

- (1) That this House notes:
- (a) the NSW Surf Life Saving Championships have returned to Blacksmiths Beach for 2018; the tenth occasion that Swansea Belmont SLSC has hosted this premier surf event which injects around \$10 million into the local economy and brings over 20,000 visitors;
  - (b) the outstanding dedication of club President and Chair of the Organising Committee; Graham Burge and members Chris Paul, Jeff Mowbray and Chad Griffiths who have worked tirelessly to plan and coordinate logistics for what is the largest surf event in New South Wales in terms of participation with more than 100 surf life saving clubs competing, and almost 7,000 competitors across 450 events ranging in ages from nine to over 70;
  - (c) the work of NSW Director of Surf Sports, Donald van Keimpema; NSW President, David Murray; the SLSNSW Board; Championship Referees, Wayne Druery, Craig Susans and Stephen Marley;
  - (d) Central Coast and Hunter region junior athletes have performed exceptionally well; and
  - (e) Central Coast athletes who achieved medals:
    - (i) Umina SLSC won three gold medals in the Champion Lifesaver event: Mollie Murphy, Kirsten Miller, and Christine Bishop;
    - (ii) Under 13 Male Beach Relay team from Avoca Beach SLSC won gold;
    - (iii) Kai Hodson and Jackson O'Mara of Avoca Beach SLSC won silver in the Under 13 Board Rescue and Natalia Drobot and Sinaed Williams won bronze;
    - (iv) Mia Cracknell of Avoca Beach SLSC won silver in the Under 13 Surf Race;
    - (v) Under 9 Surf Team from Avoca Beach SLSC won silver;
    - (vi) Mia Cracknell and Summer Tancred from Avoca Beach SLSC won silver in the Under 13 Board Rescue;
    - (vii) Under 9 and Under 13 Board Relay teams from Avoca Beach SLSC won silver and Under 10 and Under 13 Board Relay teams won bronze;
    - (viii) Natalia Drobot from Avoca Beach SLSC won bronze in the Under 13 Board Race;
    - (ix) Cooper Hobbs of Copacabana SLSC won bronze in the Under 11 Beach Flags;
    - (x) Alexis Sheppard of Killcare SLSC won bronze in the Under 9 Beach Flags;
    - (xi) Bree Josling of MacMasters Beach SLSC won bronze in the Under 11 Beach Sprint;
    - (xii) Ben Sapsford and Hamish Taylor of MacMasters Beach SLSC won bronze in the Under 11 Board Rescue;
    - (xiii) Emma Duggan of North Avoca SLSC won bronze in the Under 11 Surf Race and Ironwoman;
    - (xiv) Sienna Kennedy-Wilkie of North Entrance SLSC won gold in the Under 9 Board Race;
    - (xv) Emelyn Wheeler of Terrigal SLSC won gold in the Under 13 Beach Sprint and Beach Flags;
    - (xvi) Under 10 Beach Relay team from Terrigal SLSC won silver in the Beach Relay;
    - (xvii) Tahj Hamilton from Terrigal SLSC won bronze in the Under 10 Beach Sprint;
    - (xviii) Sienna Scahill from Umina SLSC won gold in the Under 11, 1 kilometre Beach Run;
    - (xix) Under 10 Beach Relay team from Umina SLSC won silver;
    - (xx) Under 9 Surf Team from Umina SLSC won bronze;
    - (xxi) Under 11 Board Relay team from Umina SLSC won bronze;
    - (xxii) Daniel McCarthy from Wamberal SLSC won gold in the Under 12 Beach Flags;
    - (xxiii) Hayden McGregor from Wamberal SLSC won silver in the Under 9 Surf Race;
    - (xxiv) Under 12 Beach Relay team from Wamberal SLSC won silver;
    - (xxv) Matthew Humphries from Wamberal SLSC won bronze in the Under 12 Board Race;
    - (xxvi) Noah Nakagawa of Wamberal SLSC won bronze in the Under 12 Beach Sprint; and
    - (xxvii) Keenan White of Wamberal SLSC won bronze in the Under 12 1 kilometre Beach Run.

- (f) Hunter athletes who achieved medals:
- (i) March Past team from Caves Beach SLSC won gold;
  - (ii) Alexander Walker of Cooks Hill SLSC won gold in the Under 11 Surf Race;
  - (iii) Daisy Breasley of Cooks Hill SLSC won gold in the Under 10 Surf Race and Board Race;
  - (iv) Lily Egan of Cooks Hill SLSC won gold in the Under 9 Surf Race;
  - (v) Albert Forbes of Cooks Hill SLSC won silver in the Under 10 Board Race;
  - (vi) Tiana Sargeant and Lani Waller of Cooks Hill SLSC won gold in the Under 12 Board Rescue;
  - (vii) Under 12 Surf and Board Relay teams from Cooks Hill SLSC won gold;
  - (viii) Under 10 Board Relay team from Cooks Hill SLSC won gold;
  - (ix) Under 13 Board Relay team from Cooks Hill SLSC won silver;
  - (x) Lani Waller of Cooks Hill SLSC won silver in the Under 12 Ironwoman;
  - (xi) Tiana Sargeant of Cooks Hill SLSC won silver in the U12 Board Race;
  - (xii) Alexis Sutherland of Cooks Hill SLSC won silver in the Under 9 Board Race and bronze in the Under 9 Surf Race;
  - (xiii) Charlie Burns and Lola Russell of Cooks Hill SLSC won silver in the Under 12 Board Rescue;
  - (xiv) Oliver Russell of Cooks Hill SLSC won bronze in the Under 9 Surf Race;
  - (xv) Byron Richards of Cooks Hill SLSC won bronze in the Under 14 Board Race;
  - (xvi) Isabella Campbell of Cooks Hill SLSC won bronze in the Under 13 Ironwoman;
  - (xvii) Charlie Burns of Cooks Hill SLSC won bronze in the Under 12 Board Race;
  - (xviii) Under 13 Surf Team of Cooks Hill SLSC won bronze;
  - (xix) Under 12 Beach Relay team from Cooks Hills SLSC won bronze;
  - (xx) Under 10 and Under 13 Surf Teams from Cooks Hill SLSC won bronze;
  - (xxi) Under 13 Mixed Cameron Relay Team from Cooks Hills SLSC won bronze;
  - (xxii) Age Board Relay team from Cooks Hill SLSC won bronze;
  - (xxiii) William Clark from Fingal Beach SLSC won gold in the Under 13 1 kilometre Beach Run;
  - (xxiv) Grace Hewitt from Fingal Beach SLSC won gold in the Under 14 Female Beach Sprint;
  - (xxv) Zara Foran of Redhead SLSC won gold in the Under 12 Surf Race, Board Race and Ironwoman;
  - (xxvi) Kane Edwards and Brodie Wright of Redhead SLSC won silver in the Under 11 Board Rescue;
  - (xxvii) Brodie Wright of Redhead SLSC won bronze in the Under 11 Ironman;
  - (xxviii) Xavier Coates from Swansea Belmont SLSC won gold in the Under 11 Ironman;
  - (xxix) Samuel Govender from Swansea Belmont SLSC won gold in the Under 10 Beach Sprint and Beach Flags;
  - (xxx) Samuel Murphy from Swansea Belmont SLSC won gold in the Under 11 Board Race;
  - (xxxi) Xavier Coates and Samuel Murphy from Swansea Belmont SLSC won gold in the Under 11 Board Rescue;
  - (xxxii) Under 9 and Under 11 Board Relay teams from Swansea Belmont SLSC won gold;
  - (xxxiii) All Age Board Relay Team from Swansea Belmont SLSC won gold;
  - (xxxiv) Under 10 Mixed Beach Relay team from Swansea Belmont SLSC won gold;
  - (xxxv) Daniel Chisholm from Swansea Belmont SLSC won silver in the Under 14 Ironman;
  - (xxxvi) Daniel Chisholm and Eli Worell from Swansea Belmont SLSC won silver in the Under 14 Board Rescue;
  - (xxxvii) Under 14 Surf and Board Relay Teams from Swansea Belmont SLSC won silver;
  - (xxxviii) Under 12 Board Relay team from Swansea Belmont SLSC won silver;
  - (xxxix) Kai Cook from Swansea Belmont SLSC won bronze in the Under 9 Board Race;
  - (xl) Kaitlin Rees from Swansea Belmont SLSC won bronze in the Under 10 Surf Race;
  - (xli) Under 9, Under 11 and Under 12 Surf Teams from Swansea Belmont SLSC won bronze;
  - (xlii) Under 9 and Under 11 Board Relay teams from Swansea Belmont SLSC won bronze; and

(xliii) Under 9 Beach Relay team from Swansea Belmont SLSC won bronze.

(2) That this House congratulates and commends:

- (a) Swansea Belmont Surf Life Saving Club President, Mr Graham Burge and all the club's officials for again organising another successful State Surf Life Saving Championship;
- (b) Surf Life Saving NSW President, Mr David Murray and all of its officials for their continued outstanding service to surf life saving, beach safety and youth development; and
- (c) all athletes who achieved medals at the 2018 NSW Surf Life Saving Championships.

**Motion agreed to.**

#### *Committees*

### **REGULATION COMMITTEE**

#### **Reference**

**The Hon. NATASHA MACLAREN-JONES (10:05):** On behalf of the Hon. Scott Farlow: I move:

- (1) That the Regulation Committee inquire into and report on the impact and implementation of the Environmental Planning and Assessment Amendment (Snowy 2.0 and Transmission Project) Order 2018.
- (2) That the committee report by 29 June 2018.

**Motion agreed to.**

#### *Motions*

### **ROYAL AUSTRALIAN AIR FORCE NINETY-SEVENTH ANNIVERSARY**

**The Hon. NATASHA MACLAREN-JONES (10:05):** I move:

- (1) That this House notes that:
  - (a) this year marks the ninety-seventh anniversary of the formation of the Royal Australian Air Force on 31 March 1921 and that a celebratory reception was held at the RAAF Base Richmond on Wednesday 28 March 2018; and
  - (b) those in attendance at the celebration included:
    - (i) Air Commodore Bill Kourelakos, CSM, Senior Australian Defence Force Officer;
    - (ii) the Hon. Natasha Maclaren-Jones MLC, representing the Minister for Veterans Affairs; and
    - (iii) Ms Valerie Fowler and Captain Charles Fowler III, US Consul General.
- (2) That this House acknowledges the significant contribution the Royal Australian Air Force has made and thanks our service men and women for their service.

**Motion agreed to.**

### **CHINESE SETTLEMENT IN AUSTRALIA ANNIVERSARY**

**The Hon. ERNEST WONG (10:06):** I move:

- (1) That this House notes that:
  - (a) 2018 officially marks the 200 year anniversary of Chinese settlement in Australia;
  - (b) writings suggest earlier Chinese traders visited the north coast of Australia from the 1750s, probably earlier;
  - (c) small numbers of Chinese men arrived as indentured labourers, convicts, and free settlers after the British settlement of Australia in 1788; and
  - (d) the earliest known Chinese immigrant, Mak Sai Ying—John Shying as he became known—arrived in Sydney in 1818 and is reported and widely regarded as the start of a 200-year journey of the Chinese community in Australia.
- (2) That this House acknowledges that:
  - (a) Chinese people are now considered to be the oldest continuous immigrants to Australia outside of those from Great Britain, with a long and continuing role in Australian history; and
  - (b) Chinese migration has helped shape and influence Australian policy for over 100 years, with Chinese Australians contributing tirelessly in these 200 years in construction; mining, agriculture and many more industries that have helped to shape a modern global Australia.
- (3) That this House recognises:
  - (a) the unique contribution of Chinese Australians to the heritage and history of New South Wales, with Chinese settlement covering nearly the entire history of both the colony and State of New South Wales; and



- (b) the tangible items of heritage, the contribution to national identity and the history that the very presence of Chinese people in New South Wales inspired and which cannot be ignored.
- (4) That this House congratulates the Chinese community for their tremendous effort in working with the rest of the nation to strengthen the great Australian value of, cultural blending and harmony whilst at the same time ensuring the continuity of tradition, emphasising education, unity, industriousness, frugality, respect for the old, caring for the young, and helping new immigrants to join in the continuing Australian saga, which enrich the true multiculturalism of Australia.

**Motion agreed to.**

**PREMIER'S ANZAC MEMORIAL SCHOLARSHIP WINNER LIAM HODKINSON**

**The Hon. LOU AMATO (10:06):** I move:

- (1) That this House notes that:
  - (a) on 21 September 2017, the New South Wales Premier's Anzac Memorial Scholarship winner, Picton High School student Liam Hodkinson, along with 21 fellow students, embarked on a mission to honour the graves of Wollondilly soldiers buried at the Western Front;
  - (b) Mr Hodkinson was selected as the winner of the Premier's scholarship for his essay on Anzac history, entitled "Why we remember";
  - (c) the 18-year-old, accompanied by his fellow students, visited Villiers Bretonneux, Bullecourt and Fromelles and attended official commemorations of the Battle of Polygon Wood in Ypres, Belgium;
  - (d) Picton-Thirlmere-Bargo RSL Sub-Branch president Tim Bennett-Smith supplied Mr Hodkinson with special memorial coins which were placed on the graves of Wollondilly soldiers; and
  - (e) Mr Hodkinson contacted relatives who had lost loved ones at the Western Front but were unable to attend the memorial services and offered to place photographs at the gravesites.
- (2) That this House congratulates:
  - (a) Mr Hodkinson on being awarded the New South Wales Premier's Anzac Memorial Scholarship; and
  - (b) all the students who were given the opportunity to attend the Anzac memorial services.
- (3) That this House acknowledges:
  - (a) the contribution of young people like Mr Hodkinson in keeping the Anzac legend alive in our hearts; and
  - (b) all those who made the ultimate sacrifice so that we may live in peace.

**Motion agreed to.**

**NETBALL NSW LIFE MEMBER JOHN HAHN**

**The Hon. LOU AMATO (10:06):** I move:

- (1) That this House notes that:
  - (a) at the recent Netball NSW Annual General Meeting [AGM], Camden resident, John Hahn was honoured by becoming the first male to be awarded life membership in the association's 88-year history;
  - (b) Mr Hahn's service to Netball NSW commenced when appointed the Camden and district delegate to Netball NSW Council in 1993, a position he held until his election to the Board of Netball NSW (Director Finance) in 2000;
  - (c) Mr Hahn served as the NSW Netball Association Ltd Company Secretary from 2012 until 2014 and over his period as a director was a member of the Performance and Remuneration and Audit and Risk Committees at various times;
  - (d) in 2012 Mr Hahn was appointed as a member of the Netball Central Project Control Group to oversee the construction of the centre with his industry knowledge and expertise contributing to the control group during the period 2012 until commissioning in 2015 and he continued with the Joint Steering Committee until 2016; and
  - (e) at the 2018 AGM Mr Hahn retired from the Board of Netball NSW having served with distinction since 2000.
- (2) That this House acknowledges and commends Mr John Hahn for his outstanding service to netball in New South Wales and extends its congratulations on his being awarded life membership of Netball NSW.

**Motion agreed to.**

**DR MARTIN LUTHER KING, JR, COMMEMORATION**

**The Hon. ERNEST WONG (10:07):** I move:

- (1) That this House commemorates Dr Martin Luther King, Jr, in the 50-year anniversary of his assassination on 4 April 1968.

- (2) That this House remembers Dr Martin Luther King, Jr, as a well-known civil rights leader and activist who had a great deal of influence on American society and who played an important role in fighting against racial discrimination.
- (3) That this House acknowledges that:
- (a) Dr King was instrumental in the Civil Rights Movement to end racial segregation and discrimination in America during the 1950s and 1960s;
  - (b) Dr King's oratory and impassioned drive, not just for equality under the law, but for true understanding and acceptance of all races and creeds had earned him his legacy as an international thinker and leader;
  - (c) many people took Dr King's ideas seriously and believed in what he was fighting for that the political stance on racial discrimination should be changed;
  - (d) during his life Dr King connected his domestic fight for equality to international concerns such as poverty and war;
  - (e) Dr King's anti-imperialist and anti-colonial teachings, moral appeal for political and social transformation, and activism against racism, capitalist exploitation, and violence made him a leader whose lessons transcend domestic boundaries and generations; and
  - (f) Dr King and the Civil Rights Movement had a considerable impact on the development of international law, the adoption of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [CERD] was clearly affected by Dr King's teachings and the civil rights movement in the United States.
- (4) That this House:
- (a) notes that Dr King was awarded the Nobel Peace Prize in 1964;
  - (b) notes that Dr King's non-violent philosophy and methodology teachings, and his belief in non-violence being the ultimate and the best way for a society to truly coexist with itself, left not only his generation but the ones for many years to come inspired to achieve non-violent social change; and
  - (c) recognises that Dr King's famous "I have a dream" speech inspired not only many Americans but many of us in Australia and across the world. He stated:  

"I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident: that all men are created equal' ... I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character".

**Motion agreed to.**

**AUSTRALIAN NETBALL CHAMPIONSHIPS**

**The Hon. LOU AMATO (10:07):** I move:

- (1) That this House notes that:
- (a) between 1 and 7 April 2018, the Australian Netball Championships for Men's and Mixed teams was held at Genea Netball Centre, Olympic Park with over 2,000 people attending;
  - (b) special guests at the event included:
    - (i) Ms Yvonne Weldon, Chair, Metropolitan Aboriginal Lands Council;
    - (ii) Councillor Vincent De Luca, OAM, Director, Netball NSW;
    - (iii) Mr Alfie Arcuri, winner of *The Voice* 2016; and
    - (iv) members of the NSW Men's and Mixed Association Committee: Ms Clare McCabe, President; Mr Glen Colman, Vice President; Ms Kelli Douglas, Secretary and Tournament Director; Kase November, Treasurer; Brent Ferguson, Public Officer; and Committee members: Llon Riley, Karen Williams, Mitch McBurnie and Eugene Lee.
  - (c) players selected from New South Wales teams at the championship to represent Australia:
    - (i) Australian Open Team: Josh Byron, Eugene Lee, Steven Philpot and Adam Slattery;
    - (ii) Australian Open Mixed: Jordon Bedingfield, Ben Hamer and Georgette Paatsch;
    - (iii) Australian Open Reserves: Levita Levi Talolua;
    - (iv) Australian Open Mixed Reserves: Brittany Berry, Matt Gauci, Madison Kirk and Angela Williams;
    - (v) Australian Over 35s: Shane Clarke, Dr Simon Clulow and Brent Ferguson;
    - (vi) Australian U23s: Stephen Brice, Jack Edwards, Liam Forcadilla and Luke Sproats; and
    - (vii) Australian U20s: Cooper Ellis, Taylor Fraser, Didier Michel and Steven Ribaroski.
  - (d) the New South Wales team won the Open Australian Championship and consisted of: Teresa Tairi, coach; Liann Tairi, manager; Valance Horne, Steven Philpot, Matt Wetere, Patrick Piliae, Eugene Lee, Hayden Jensen, Josh Byron, Liam Forcadilla and Taylor Glassie; and

- (e) the New South Wales team won the Under 20s Australian Championship and consisted of: Dennis Napara, coach; Brooke Berry, manager; Brad Cram, Cooper Ellis, Callum Evans, Taylor Fraser, Didier Michel, Marcus Puroku, Steven Ribaroski, Tom Robson, Tyeson Tarawa-Lalaga, Cooper Thompson and Conor Wilson.
- (2) That this House extends its congratulations to the two New South Wales teams that won the Australian championship in their respective divisions and those players from New South Wales selected to represent Australia at international events.

**Motion agreed to.**

**SOROPTIMIST INTERNATIONAL OF SYDNEY EDUCATION GRANTS**

**The Hon. NATASHA MACLAREN-JONES (10:08):** I move:

- (1) That this House notes that:
  - (a) the 2018 Soroptimist International of Sydney education grants presentation ceremony was held on Tuesday 20 March 2018 in New South Wales Parliament;
  - (b) the Soroptimist International of Sydney education grants are presented annually to young women who have demonstrated discipline, perseverance and a strong work ethic;
  - (c) Soroptimist is a global women's organisation whose members volunteer to improve the lives of women and girls facing obstacles such as poverty, violence and teen pregnancy through programs leading to social and economic empowerment;
  - (d) there are currently approximately 74,000 Soroptimists in over 120 countries and territories, supporting community-based and global projects benefiting women and girls; and
  - (e) Soroptimist International of Sydney was founded in 1937 by Edith Glanville and was the first Soroptimist club in the Southern Hemisphere.
- (2) That this House notes that the awards were presented by the Hon. Natasha Maclaren-Jones, MLC, and congratulates the following education grant recipients:
  - (a) Tiffany Nguyen of Alexandria Park Community School;
  - (b) Georgia Sheard of Dulwich High School;
  - (c) Rebecca Khalil of Holroyd High School;
  - (d) Tergel Demberel of Marrickville High School;
  - (e) Siulovao Sapoko of Newtown High School of the Performing Arts;
  - (f) Audrey Tran of Sydney Secondary College;
  - (g) Tara Harman of Sydney Secondary College; and
  - (h) Sefia Angraini Umar of Tempe High School.

**Motion agreed to.**

**"RETURNING HOME WITH GLORY—CHINESE VILLAGERS AROUND THE PACIFIC, 1849 TO 1949" AUTHOR MICHAEL WILLIAMS**

**The Hon. ERNEST WONG (10:08):** I move:

- (1) That this House congratulates Dr Michael Williams on his book titled *Returning Home with Glory—Chinese Villagers around the Pacific, 1849 to 1949*, which was published in 2018 and will be launched in Parliament on 9 May.
- (2) That this House notes that:
  - (a) this is a work of scholarship that originated in Sydney;
  - (b) the author/historian Dr Williams discovered the long history of links and migration between south China and Sydney; and
  - (c) Dr Williams grew up in Sydney, completed his PhD at the University of Hong Kong, is currently an adjunct fellow at Western Sydney University and is a founding member of the Chinese Australian Historical Society.
- (3) That this House recognises that:
  - (a) Dr Williams researched a century of travel, migration, families and heritage that links Sydney, New South Wales and Australia to China, southern China in particular, and from there around the Pacific, extensively using the archives of the immigration departments of Australia and the United States combined with interviews with families and descendants in Sydney, San Francisco, Hawaii and the many villages of the south China district of Zhongshan in the Pearl River Delta to bring us over three generations of history and heritage; and
  - (b) this history and heritage continues to speak to us today and to impact upon many of the people of Chinese origin in Sydney and New South Wales.

- (4) That this House acknowledges that:
- (a) employing the classic Chinese saying "returning home with glory" (man zai rong gui) as his title, Dr Williams highlights the importance of return and home in the history of the connections established and maintained between villagers in the Pearl River Delta and various Pacific ports—Sydney, Honolulu and San Francisco—from the time of the Californian and Australian gold rushes to the founding of the People's Republic of China;
  - (b) *Returning Home with Glory* provides us with a history of Chinese people in Australia that goes beyond the stereotypes of goldminers and market gardeners, taking us into the families and the villages of southern China; and
  - (c) *Returning Home with Glory* also gives a voice to those who never left their villages, women in particular, but who are nevertheless in many ways part of Australia's history.

**Motion agreed to.**

### **WESTERN SYDNEY INCINERATOR PROPOSAL**

**Mr JEREMY BUCKINGHAM (10:09):** I seek leave to amend Private Members' Business item No. 2050 outside the Order of Precedence by deleting paragraph 5.

**Leave granted.**

I move:

- (1) That this House notes that on 11 April 2018 the NSW Department of Planning and Environment recommended to the Independent Planning Commission that the Eastern Creek garbage incinerator proposed by Dial-A-Dump not be approved because "based on the advice of the EPA, NSW Health and the Independent Experts ... the air quality impacts and risk to human health are unknown" and "the development is not in the public interest".
- (2) That this House celebrates this decision as a massive win for the people of Western Sydney who have had to campaign for many years to have this proposal stopped.
- (3) That this House congratulates and thanks all those local residents, businesses, councillors, members of Parliament and organisations who organised public meetings, passed resolutions, signed petitions, lobbied members of Parliament, attended protests, wrote and collected submissions and spread the word among their friends and family to raise the profile of this issue and ensure that the project was stopped.
- (4) That this House recognises Channel 9 and journalist Chris O'Keefe's coverage of the issue and their role as champions for the residents of Western Sydney.

**Motion agreed to.**

### **ABORIGINAL COMMUNITY SERVICES**

**Mr DAVID SHOEBRIDGE (10:09):** I seek leave to amend Private Members' Business item No. 2054 outside the Order of Precedence by omitting paragraph 3.

**Leave granted.**

I move:

- (1) That this House notes that:
  - (a) the work of Just Reinvest, the Maranguka Community Hub and the community of Bourke is inspiring, as it is building stronger links in the town and keeping kids in school, at home and out of trouble;
  - (b) the team at the Maranguka Community Hub are getting real things done bringing social services, police and the Aboriginal community together to empower the people in their community and this is turning lives around; and
  - (c) the pilot project shows that by spending more on communities and less on prisons we can break the cycle of crime and disadvantage.
- (2) That this House congratulates the Maranguka Community Hub, Just Reinvest project, Bourke police and local community support services for their success in reducing domestic violence, reducing juvenile offending, increasing school attendance rates and helping people get their driver licence.

**Motion agreed to.**

### **HOUSE OF SAKINAH SUPPORT SERVICES**

**Dr MEHREEN FARUQI (10:10):** I move:

- (1) That this House notes that:
  - (a) the House of Sakinah held a celebration to mark its five-year anniversary on Sunday 18 March 2018 in Mount Druitt; and
  - (b) the House of Sakinah was established in 2013 and provides a safe environment and specialised support services to muslim women in crisis situations, such as those who are victims of domestic violence.

- (2) That this House recognises the staff and volunteers at the House of Sakinah for their important work in providing support to women.
- (3) That this House reiterates its commitment to working on tackling issues faced by all women, regardless of their cultural or religious background.

**Motion agreed to.**

**EMMANUEL ANGLICAN COLLEGE TWENTIETH ANNIVERSARY**

**The Hon. BEN FRANKLIN (10:11):** I move:

- (1) That this House notes:
  - (a) that 6 March 2018 marked the twentieth anniversary of the Emmanuel Anglican College in Ballina;
  - (b) the idea of the school was first established when then rector of the Anglican Parish of St Mary's in Ballina, the Reverend Geoff Smith, called together a group of interested people to discuss the establishment of an Anglican school;
  - (c) that in September 1997 Robert Baker was appointed the inaugural principal of the college, which was then opened on 8 March 1998 with just 16 students;
  - (d) that over the past 20 years the school has grown to have enrolments of nearly 680 students from kindergarten to year 12; and
  - (e) the important role the college plays in the Ballina community in providing high-quality education for students.
- (2) That this House recognises the hard work and dedication of the college founders for pioneering this wonderful school and ensuring it reached this incredible milestone.
- (3) That this House thanks past Principal Robert Baker and current Principal Robert Tobias for all their work in ensuring the school is the success it is today.
- (4) That this House congratulates all the staff, students and broader community of the Emmanuel Anglican College for the twentieth anniversary of the college.

**Motion agreed to.**

**TRIBUTE TO VINCENT "TINNY" FULLER**

**The Hon. BEN FRANKLIN (10:11):** I move:

- (1) That this House acknowledges the passing of much-loved local Alstonville identity Vincent "Tinny" Fuller on 21 March 2018.
- (2) That this House recognises:
  - (a) that Tinny and his late wife, Jan, dedicated their lives to the Alstonville community;
  - (b) Tinny's many years of hard work and commitment as the caretaker of the Alstonville Showground for more than 20 years; and
  - (c) his lasting legacy as a selfless human who always put others first.
- (3) That this House offers their sincere condolences to Tinny's family, friends and the Alstonville community.

**Motion agreed to.**

**BALLINA PLAYERS PRODUCTIONS**

**The Hon. BEN FRANKLIN (10:11):** I move:

- (1) That this House notes that:
  - (a) the Ballina Players is currently showing an amateur production of *A Few Good Men*;
  - (b) the production is running from 6 to 15 April 2018; and
  - (c) the Ballina Players is one of the oldest amateur theatre groups in Australia and was founded in September 1955.
- (2) That this House congratulates:
  - (a) the Ballina Players' production team of *A Few Good Men* and everyone involved in supporting the play and the theatre group over many years; and
  - (b) the following cast of *A Few Good Men*:
    - (i) Carl Moore as Captain Isaac Markinson;
    - (ii) Cody McMillan-Leeson as Private First Class William Santiago;
    - (iii) Dane Bodley as Lieutenant Jonathan Kendrick;

- (iv) Danyon Saxe-Wilson as Corporal Jeffrey Howard;
  - (v) Dylan Wheeler as Lieutenant Daniel Kaffee;
  - (vi) Graeme Speed as Lieutenant Sam Weinberg;
  - (vii) John Gleeson as Corporal Hammaker;
  - (viii) John Rado as Lieutenant Colonel Nathan Jessep;
  - (ix) Kida Wasley as military police;
  - (x) Liam Gatt as Lance Corporal Harold Dawson;
  - (xi) Luke Mulder as Private First Class Loudon Downey;
  - (xii) Mel Strawbridge as Lieutenant Commodore Joanne Galloway;
  - (xiii) Mick Webb as Lieutenant Jack Ross;
  - (xiv) Murray Hand as Judge Captain Julius Randolph;
  - (xv) Paul Worsnop as Captain Isaac Whitaker;
  - (xvi) Peter Harding as Commodore Walter Stone; and
  - (xvii) Scott Thomas as Corporal Dunn.
- (3) That this House acknowledges the hard work of *A Few Good Men* Director Mike Sheehan and Ballina Players' President Warwick Binney.
- (4) That this House wishes the Ballina Players all the very best for future productions including their next production, *HMS Pinafore*, in June this year.

**Motion agreed to.**

*Visitors*

**VISITORS**

**The PRESIDENT:** I welcome to the public gallery members of the St Pauls, Gymea, ESL group.

*Documents*

**TRANSPORT FOR NSW CENTRE FOR ROAD SAFETY**

**Reports**

**The Hon. DON HARWIN:** I table the following papers:

- (1) Transport for NSW Centre for Road Safety—"NSW Road Safety Progress Report 2017", dated April 2018.
- (2) Transport for NSW Centre for Road Safety—"NSW Road Safety Progress Report 2016", dated December 2017.

I move:

That the reports be printed.

**Motion agreed to.**

*Business of the House*

**SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES:** I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to conduct of the business of the House this day.

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES:** I move:

That the order of Private Members' Business for today be as follows:

- (1) Private Members' Business item No. 1842 outside the Order of Precedence standing in the name of the Hon. Ernest Wong relating to a select committee on homelessness.
- (2) Private Members' Business item No. 1267 outside the Order of Precedence standing in the name of Mr Jeremy Buckingham relating to the Environmental Planning and Assessment Amendment (Waste Incinerator Facilities—Residential Exclusion Zones) Bill 2017.

- (3) Private Members' Business item No. 2053 outside the Order of Precedence standing in the name of the Hon. Rick Colless relating to the NSW Food Authority.
- (4) Private Members' Business item No. 1886 outside the Order of Precedence standing in the name of the Hon. Courtney Houssos relating to a treaty with the First Peoples of New South Wales.
- (5) Private Members' Business item No. 2025 outside the Order of Precedence standing in the name of the Hon. Mark Pearson relating to the live animal export industry.
- (6) Private Members' Business item No. 1956 outside the Order of Precedence standing in the name of Reverend the Hon. Fred Nile relating to violence in South Africa.
- (7) Private Members' Business item No. 1996 outside the Order of Precedence standing in the name of the Hon. Bronnie Taylor relating to agricultural shows in New South Wales.

**Mr DAVID SHOEBRIDGE (10:25):** I move:

That the motion of the Hon. Natasha Maclaren-Jones be amended by inserting immediately after "that the order of Private Members' Business for today be as follows" the words "Private Members' Business item No. 2030 outside the Order of Precedence standing in the name of Mr David Shoebridge relating to an order for papers relating to the business case for the relocation of the Powerhouse Museum from Ultimo to Parramatta."

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (10:26):** I am very happy to speak in opposition to the amendment. The Government opposes the amendment firstly as a matter of good form and practice for this House because it undermines a principle which has successfully led to a better outcome on private members' day than has been the case for the majority of the 19 years that I have served in this Chamber. I want to pay tribute to the Hon. Dr Peter Phelps for setting up this process when he became the Government Whip, the Hon. Natasha Maclaren-Jones for continuing the process in her period as Government Whip, and the Opposition Whips for supporting and working with them to make it a success. The Hon. Shaoquett Moselmane and other members of the crossbench have worked as part of this process to ensure we have a better private members' day.

One does not need to have observed 19 years in this Chamber like I have to know what a shemozzle private members' day used to be before we had this process. It used to be a complete shemozzle. We would come in here and no-one would know what we were going to do. We would have a series of suspensions of standing orders and it was impossible for honourable members to plan their speeches. In short, it was completely dysfunctional. As a matter of principle I oppose this sort of amendment. It has nothing to do with what it is about—I am more than happy to have that discussion and I am certainly ready for a debate, as was demonstrated yesterday in question time when this exact issue was raised.

The motion of the Government Whip ambitiously lists seven items for discussion. The top five items include two for Opposition members, two for crossbench members and just one for a Government member, bearing in mind that there are 41 members of the Chamber who are currently on the floor, and almost half of them are Government members. The sixth item is for a third crossbench member. This motion suggests that The Greens, who have five out of the 41 members on the floor, have two of the top three notices of motion. I am afraid that this is exactly the sort of mess we got into before this system was set up. The latter remark does not refer only to The Greens; everyone felt they had to do it because the system had deteriorated. I hate to use clichés like "thin edge of the wedge", but this is not a precedent we should be setting. We have a process and the House should support it.

There was every opportunity for this matter to be discussed last night. The Whips and those who sit at the table do their level best to try to ensure a sensible outcome on private members' day. They approach it in good faith. I deliberately prompted the honourable member to make his case for why we should abandon the standard procedure but he did not do it. Therefore, we do not know why this is being done. All we know is that The Greens members, one of whom is Mr Jeremy Buckingham and the other is Mr David Shoebridge—I will leave that alone—want two of the top three items that are up for discussion today. It is just not good enough. The Government will oppose the amendment.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (10:30):** I join the Leader of the Government in opposing the amendment, and I will expand on a couple of the points he has made. It is not the fault of this House or of any party in this House that The Greens cannot decide which of their members should be able to put a motion forward. It is not the fault of the Opposition, the Christian Democratic Party, the Shooters, Fishers and Farmers Party, the Hon. Mark Pearson or the Government that The Greens do not have a leader. They refuse to have a leader, and they have disorder in their party because of their current preselection processes. They should not hijack private members' day because of their dysfunction and internal conflict. It is taking this House backwards, as systems have been put in place to allow all members and all parties to have their issues debated on private members' day. The Greens

need to clean up their backyard first. They need to stop their bickering, work out their priorities and not drag down this House and its business.

**The Hon. ROBERT BROWN (10:32):** Members know that I fully supported the changes that were made to the method of organising of private members' day. I support the Minister's comments regarding the cooperation between the Whips, although the crossbench had never really had whips. Every now and again, even though things are running smoothly, you need to pull the curb bit: You need to make a point. As a supporter of the way the things have been organised, I would have preferred that Mr David Shoebridge had arranged to have this put in the order of precedence. But it is a very important issue, and one of several issues that this House will have to come to grips with over the coming months. For those reasons—and those reasons only—on this one occasion the Shooters, Fishers and Farmers Party will support Mr David Shoebridge's amendment.

**The Hon. WALT SECORD (10:33):** As Deputy Leader of the Opposition, I sympathise with and understand the comments by the Leader of the Government, the Hon. Don Harwin. I appreciate that the arrangements that began under the Hon. Dr Peter Phelps and have continued under the Hon. Natasha Maclaren-Jones are fair and allow for the effective and smooth running of the Chamber but, to echo the comments of the Hon. Robert Brown, there is an overriding principle here. The Powerhouse Museum issue has been developing and changing by the hour. I understand that it will be before Cabinet shortly or that it has been already. It involves the expenditure of between \$1 billion and \$2 billion. As a House of review, the upper House has certain devices that allow it to monitor the Executive Government, and this is one of the rare devices that upper House members can use. I do not support changing the Thursday arrangements—they are fair and equitable—but today is an unusual case and a rare occasion. I support the amendment.

**Reverend the Hon. FRED NILE (10:35):** I strongly supported the new Thursday arrangements that have worked so efficiently and effectively. I agree with the remarks of the Leader of the House, the Hon. Don Harwin, about the previous chaos. We do not want to return to that. This is the thin edge of the wedge. We should draw the line now and not support the Mr Shoebridge's amendment.

**The PRESIDENT:** The Government Whip is seeking the call. To clarify, the Government Whip now has the right to speak on the amendment only. At the conclusion of the debate she will also have a right of reply on her motion. If the Government Whip wishes to speak about the amendment only, she has the call. She is not to proceed with the reply until other members have had an opportunity to speak.

**The Hon. NATASHA MACLAREN-JONES (10:35):** I will speak briefly in relation to the amendment. On a couple of occasions this week we have seen The Greens pulling stunts. They have an opportunity to appear at the committee meetings on Wednesday evenings to discuss the agenda, as do all members. Occasionally matters come up as a priority in the morning. Members have an opportunity—which has been taken on several occasions—to speak to the Whips, as well as the crossbench members, and say, "I'd like to substitute one motion for another." At no stage did any member of The Greens come to us about this matter before commencement of proceedings today, despite the fact that they had time to prepare for this. This is a deliberate stunt by The Greens to get a double bite, waste the time of this House and take away opportunity of members to debate important issues. What will happen is that we will waste this morning, then move to an important Opposition motion relating to homelessness, and then go back to The Greens. I ask members not to support this amendment.

**The Hon. MATTHEW MASON-COX (10:38):** This has all come with rather a rush. Whilst I strongly support the procedures put in place to deal with private members' business, particularly given the past chaos that the Leader of the Government and other members have spoken about, my views on the Powerhouse Museum relocation are clear to everybody in this Chamber. That puts me in a very difficult position. I have spoken to Mr David Shoebridge in relation to this. I am not pleased to be put in this position but I have sought an assurance from him that if this debate does proceed it will be involve a minimal amount of time. That will obviously depend on the Government's response and we are not in control of that. I will support the motion because the two documents referred to are very important to the accountability of the Executive to this House. For that reason I exercise my right of conscience, which I am allowed to do as a member of the Liberal Party. I will support both the procedural motion and the order for the production of documents under Standing Order 52 in relation to those two critical documents.

**The PRESIDENT:** The Hon. Natasha Maclaren-Jones has moved a motion that the order of Private Members' Business for the day be listed pursuant to paragraphs (1) to (7) of her motion. Mr David Shoebridge has moved an amendment to the Government Whip's motion by seeking to insert Private Member's Business item No. 2073 outside the Order of Precedence as new paragraph (1) and the other paragraphs in the list becoming (2) to (8). The question is that the amendment be agreed to.

**The House divided.**



Ayes ..... 19  
 Noes ..... 18  
 Majority..... 1

# AYES

Borsak, Mr R  
 Donnelly, Mr G (teller)  
 Graham, Mr J  
 Mookhey, Mr D  
  
 Primrose, Mr P  
 Sharpe, Ms P  
 Wong, Mr E

Brown, Mr R  
 Faruqi, Dr M  
 Houssos, Ms C  
 Moselmane, Mr S  
 (teller)  
 Searle, Mr A  
 Shoebridge, Mr D

Buckingham, Mr J  
 Field, Mr J  
 Mason-Cox, Mr M  
 Pearson, Mr M  
  
 Secord, Mr W  
 Walker, Ms D

# NOES

Amato, Mr L  
 Colless, Mr R  
 Green, Mr P  
 MacDonald, Mr S

Blair, Mr N  
 Fang, Mr W (teller)  
 Harwin, Mr D  
 Maclaren-Jones, Ms N  
 (teller)  
 Mitchell, Ms S  
 Taylor, Ms B

Clarke, Mr D  
 Franklin, Mr B  
 Khan, Mr T  
 Mallard, Mr S  
  
 Nile, Reverend F  
 Ward, Ms P

# PAIRS

Veitch, Mr M  
 Voltz, Ms L

Cusack, Ms C  
 Farlow, Mr S

# **Amendment agreed to.**

**The PRESIDENT:** The question is that the motion as amended be agreed to.

[*Interruption*]

Order! I remind honourable members that they may think they are having a go at each other, but such behaviour is disrespectful both to the Chair and to the House. I will not accept this behaviour. The question is that the motion, as amended, be agreed to.

# **The House divided.**

Ayes ..... 19  
 Noes ..... 18  
 Majority..... 1

# AYES

Borsak, Mr R  
 Donnelly, Mr G (teller)  
 Graham, Mr J  
 Mookhey, Mr D  
  
 Primrose, Mr P  
 Sharpe, Ms P  
 Wong, Mr E

Brown, Mr R  
 Faruqi, Dr M  
 Houssos, Ms C  
 Moselmane, Mr S  
 (teller)  
 Searle, Mr A  
 Shoebridge, Mr D

Buckingham, Mr J  
 Field, Mr J  
 Mason-Cox, Mr M  
 Pearson, Mr M  
  
 Secord, Mr W  
 Walker, Ms D

# NOES

Amato, Mr L  
 Colless, Mr R  
 Green, Mr P

Blair, Mr N  
 Fang, Mr W (teller)  
 Harwin, Mr D

Clarke, Mr D  
 Franklin, Mr B  
 Khan, Mr T

## NOES

MacDonald, Mr S

Maclaren-Jones, Ms N  
(teller)

Mallard, Mr S

Martin, Mr T

Mitchell, Ms S

Nile, Reverend F

Phelps, Dr P

Taylor, Ms B

Ward, Ms P

## PAIRS

Veitch, Mr M

Cusack, Ms C

Voltz, Ms L

Farlow, Mr S

**Motion agreed to.***Documents***POWERHOUSE MUSEUM RELOCATION****Production of Documents: Order****Mr DAVID SHOEBRIDGE (10:58):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for the Arts, Create NSW, the Department of Planning and Environment or Infrastructure NSW:

- (a) the preliminary and final or current versions of the business case for the relocation of the Powerhouse Museum from Ultimo to Parramatta; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I believe this is the kind of work this House needs to do. Without the Government mucking around—

**The PRESIDENT:** Order! If honourable members wish to have discussions, they should do so outside the Chamber. I can hardly hear Mr David Shoebridge.

**Mr DAVID SHOEBRIDGE:** The Government, following a thought bubble, announced that it was going to blow up the Powerhouse Museum and move it to Parramatta, without consulting either the people of Ultimo or the people of Parramatta. Again we see the Government coming up with a decision that witnesses before the committee inquiry into this issue say could be a \$1.5 billion decision. This Government has come up with yet another multibillion-dollar decision and we are yet to see a business case. Time after time the committee, chaired by the Hon. Robert Borsak, has been demanding a business case from the Minister and the Government, and each time it has been denied.

I believe the people of New South Wales are sick of this Government's thought bubbles and its multibillion-dollar projects. It then strings us along and comes up with a business case afterwards—often a business case that has been cooked in order to meet the political demands of the Government rather than the true costs that the taxpayers of New South Wales will have to face. With the \$1.5 billion Powerhouse Museum project, this Government needs to cough up the business case now. That is what this motion will do—within seven days the Government will have to produce the business case under order of compulsion from this House. That is what a House of review needs to do.

For the Government to say, as it has in media reports, that the people of New South Wales do not need to see the business case before \$1.5 billion of taxpayers' money is allocated because it will give them a summary 90 days later, shows nothing but contempt for the people of New South Wales. I hope a majority of members of this Chamber support the motion because I know a majority of people in New South Wales support the idea of the Government putting its cards on the table and producing the business case for the Powerhouse Museum, for the stadiums, or for its next thought bubble. If the Government is going to spend billions of dollars of taxpayers' money it should do it properly; it should produce the business case and then the rest of New South Wales can see the way this Government repeatedly throws billions of dollars away for political reasons without caring about the ultimate cost to taxpayers or the best interests of New South Wales. I commend the motion.

**The Hon. WALT SECORD (11:01):** Sadly, poor implementation is fast becoming the curse of the New South Wales Government, whether it be the CBD Light Rail project, the botched Fire and Emergency Services Levy, forced council amalgamations, the arbitrary banning of the greyhound industry, the Return and Earn recycling fiasco or the \$2.5 billion stadium imbroglio. Those are not my words, but that is why we support

the call for papers relating to the business case put forward by The Greens member of the Legislative Council Mr David Shoebridge. The community has a right to know the motivation and the plans of the Berejiklian Government for the Powerhouse Museum site at Ultimo or what is going to happen at Parramatta. Unfortunately, the information that is leaking about the project is scant, and what we hear bears very little resemblance to the original promise made by the then Premier Mike Baird on 26 February 2015.

It is clear that the Berejiklian Government is dismembering the Powerhouse Museum and is scattering it about—not moving it in its entirety as the Government originally promised. In its 26 February 2015 announcement, the State Government said that the Powerhouse Museum "will be entirely located in Western Sydney", and pledged \$10 million to move the institution. We are a little north of that \$10 million. In addition, the evidence before the parliamentary inquiry chaired by Shooters, Fishers and Farmers Party member of the Legislative Council Robert Borsak has revealed that there will be massive cost blowouts of between \$1 billion and \$2 billion or more. We have also heard that staff in the Powerhouse Museum have been told that there are going to be massive job losses.

Furthermore, the Berejiklian Government is refusing to release the business case, or even a summary of the business case. The Government said it will release a summary 90 days after it has made its final decision. But the Minister for the Arts has told the media that he received the business case last December. So the Minister has had the business case since December and he is going to release a summary of it 90 days after he has made his decision. There are many unanswered questions. What will happen at the Ultimo site? What will happen to the airspace at the Ultimo site? What pieces will be retained at the Ultimo site? What is going to the Castle Hill sites? What is going to Parramatta? How will the Riverside Theatre developments interplay with the Parramatta site?

Everyone is saying that the Berejiklian Government's handling of this plan for the Powerhouse Museum has lurched from crisis to crisis, that it has been "half-baked" and that it does not deliver a full cultural institution to Western Sydney. This is the worst of all worlds—it smashes up the Powerhouse Museum and scatters it about Sydney. The community is deeply divided and support for this project is rapidly evaporating. I have had many representations about this, including a heartfelt plea from Mrs Jill Wran—widow of beloved Labor Premier Neville Wran—who loves the Powerhouse Museum. I have heard her arguments and I acknowledge them.

The Berejiklian Government has the wrong priorities. We must see this business case. We are a House of review; we are here to be a check on the excesses of Executive Government. This Government is addicted to a culture of cover-up and refuses to tell the community the plans it is undertaking. I will leave my remarks at that. I commend the motion to the House as I know that the overwhelming will of the House is for the release of these documents.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (11:05):** We have had a pretty thin case laid out by Mr David Shoebridge and the Deputy Leader of the Opposition, the Hon. Walt Secord, for this call for papers. There has also been a series of misrepresentations that I feel, upfront, I should immediately correct. First, there was a claim that this project is a thought bubble. Nothing could be further from the truth. The need for more investment in Western Sydney arts and culture and the desire to have one of our State's cultural institutions have a flagship campus in Western Sydney has been strongly supported not just by practitioners of Western Sydney arts but also by the Western Sydney arts community for a long time. That is why, back in 2014, there was a recommendation in an update to the State Infrastructure Strategy that the State Government study the possibility of moving a cultural institution to Parramatta.

As the Hon. Walt Secord helpfully pointed out to the House, on 26 February 2015 that is exactly what then Premier Mike Baird said he would do when he announced the expenditure of \$10 million on a business case to look at the relocation of the Powerhouse Museum to Parramatta. That is the second item that I will address in a minute. By no means is this a thought bubble; this is something that people have been calling for. It is something that Infrastructure NSW analysed back in 2014 and said was a good idea, and it is something that Premier Mike Baird announced would receive an allocation of \$10 million for a business case to be done in February 2015. That is the first cat I will bell. This is by no means a thought bubble. It has been a long-stated policy objective of the State Government to do this—a government that has shown its commitment to Western Sydney arts, as I outlined at some length in question time yesterday.

Secondly, over the past week both the Hon. Walt Secord and the Leader of the Opposition in another place have said that \$10 million was what Mike Baird said would be the cost of relocating the Powerhouse Museum to Parramatta and they claimed that there have been some blowouts. That is nonsense. The \$10 million figure was always the cost of the business case. They should stop misleading the people of New South Wales about that figure because it was simply the cost, as announced at the time, of the business case. A statement was also made that I have said that the summary of the business case would not be released until after 90 days. That is incorrect. I think I saw a media report to that effect as well. That was not a correct statement of my position.

The reality is that under the rules for the release of summary business cases they must be done within 90 days, not after 90 days, so I quickly correct the record on that. This is a well thought out proposal. I make no apologies for the fact that there has been a preliminary business case studying the proposal. Since it was received towards the end of 2016, a decision was made about the location and a decision was made to proceed with the next stage, the extended final business case—an extended final business case that also looks at the possibility of retaining cultural space at Ultimo. I think this will be a game changer for the Museum of Applied Arts and Sciences, a game changer for arts and culture in Western Sydney and a game changer for the city of Parramatta.

I am so proud of this project that I cannot wait for it to be finished. As I outlined yesterday and on previous occasions, extended final business cases are always prepared by consultants in association with a project team of the relevant stakeholders within government. Work done on business cases always is subject to peer review after it is received. It is true that an extended final business case for the proposal was received in December. I have never attempted to say anything else. I have in fact said that in the House on several occasions.

It is an acknowledged part of the process that after an extended final business case is received there is an opportunity for the central agencies to go through it, to question the assumptions, to test the methodologies and to make sure that it is a wise investment decision for the State. That is a good process. It is not something that I am in any way embarrassed about. I support it because I know that at the end of that process we will achieve an excellent outcome. As I outlined also to the House yesterday, the State is in great shape. That is because the Government is prudent, manages its finances well and is careful about making decisions on the way it funds infrastructure. The fact the Government has a record infrastructure program shows the fruit of the processes put in place.

As to the extended final business case for the relocation of the Powerhouse Museum, we are getting close to the end of those review processes by the central agencies, the Department of Premier and Cabinet, Treasury and Infrastructure NSW. We are getting close to the finalisation of a summary of the extended final business case, which will be released after a decision to proceed to invest is or is not made as part of the Cabinet process. Let us be quite clear on what we are talking about: It is part of a Cabinet process. The decision to proceed with major infrastructure is a decision of Cabinet and Cabinet committees, such as the infrastructure committee for some projects and is always for consideration by the expenditure review committee of Cabinet.

All the documents prepared in relation to Cabinet decisions are tracked Cabinet in confidence. That has always been the case in New South Wales. It was the case when Labor was on the government benches seven years ago and it has been the case not just in recent history but for a very long time because Cabinet requires a degree of confidentiality about its processes in order to work. As to a business case and the expenditure of a significant amount of money that can flow from an investment decision, it is important that the State always has at the front of its mind getting the best value it possibly can get for taxpayers. Therefore, there is information in the business case necessarily that is commercial in confidence which will put the State at a disadvantage if it is in the public arena.

I outlined that at some length in question time yesterday. I made it clear why it is not in the State's interests to put full business cases in the public arena. With any infrastructure project there are significant construction costs and necessarily they will be the subject of a tender for those construction costs. In order to protect taxpayers' interests it is better not to put in the public domain what the Government expects it to cost. It is better that these amounts remain confidential otherwise tenderers will bid to the Government's expected cost and we will not drive value. I would have thought it was such a self-evident proposition that it did not need to be explained in such simple terms to the House. Whether or not business cases should be in the public arena is becoming a matter of great interest and controversy so I reassert it in simple terms that I hope all members understand.

It is the Government's position that this motion should be opposed and the Government will oppose it. It is a fundamental issue for us. If the Government were not able to maintain the confidentiality of Cabinet documents, including business cases, it would make governance a much more challenging process and, in my view, undermine this Government's strong financial management record. The Government opposes the motion. In the time remaining I will make a few concluding remarks about the motion.

There are a few other things that the Hon. Walt Secord said. He said he has concerns based on an expectation that a full cultural institution would not be delivered to Western Sydney. The member has no basis for making that claim. In every public comment I have made and in every public comment the Premier has made it has been made abundantly clear that the Government's commitment—unlike the Opposition and the majority of members on the committee inquiring into museums and galleries in New South Wales—is to relocating the Powerhouse Museum to Parramatta. Its mission as a Museum of Applied Arts and Sciences is to focus on science, technology, engineering, the arts and mathematics.

The extended final business case is directed towards ensuring that the greatest science and innovation museum is built in Western Sydney, the geographical heart of Sydney—at Parramatta. It will be a museum that will make us all incredibly proud of our city. This Government will build a facility that will be enjoyed by generations of New South Wales residents. I am tremendously excited about this project. Once the process is completed, the extended final business case will demonstrate why this is such a great proposal. [*Time expired.*]

[*Business interrupted.*]

#### *Visitors*

### VISITORS

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I welcome to the President's gallery Mr Wasny de Roure, a Brazilian Federal member of Parliament, accompanied by Consul of Brazil Mr Roberto Fromer, who are visiting the New South Wales Parliament today. On behalf of all members, I hope they enjoy their day.

#### *Documents*

### POWERHOUSE MUSEUM RELOCATION

#### Production of Documents: Order

[*Business resumed.*]

**The Hon. BEN FRANKLIN (11:21):** In the interest of full disclosure I inform the House that I am a member of the committee inquiring into museums and galleries in New South Wales.

**The Hon. Walt Secord:** A diligent member.

**The Hon. BEN FRANKLIN:** I acknowledge that interjection. The committee is led by my friend the Hon. Robert Borsak. I do not think I go too far when I say that.

**The Hon. Robert Borsak:** We are great mates.

**The Hon. BEN FRANKLIN:** We are; I acknowledge that interjection. This inquiry has been valuable in many areas. People do not appreciate the importance of museums and galleries to this State. It was appropriate for an inquiry to be established to examine this issue and to reinforce the importance of these cultural institutions. Excellent recommendations have been made in the interim report. On a personal level I am excited about the committee's regional focus. Hopefully the committee will make further recommendations. I will move on to the specifics of the motion in a moment. In the broad context of museums and galleries I want to talk briefly about the importance of regional cultural institutions.

**Mr David Shoebridge:** Point of order: I appreciate the member's passion for regional galleries but that is not the subject matter of the motion and it is not even generally relevant to the motion. I ask that the member be brought back to the leave of the motion.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** There is no point of order. I encourage the Hon. Ben Franklin to be generally relevant. I am a little concerned as to where the member is going. At the point in time that he is no longer relevant I may stand on his throat!

**The Hon. BEN FRANKLIN:** The inquiry focused on the importance of regional cultural institutions and also the Powerhouse Museum, which is the subject of today's debate.

**The Hon. Robert Brown:** Nice segue.

**The Hon. BEN FRANKLIN:** I thank the Hon. Robert Brown. The first matter to which I wish to refer is the importance of having a great cultural institution in Parramatta. Geographically, Sydney covers a large area which includes the entire Sydney Basin. It is important for those who live in the city to have access to world-class cultural institutions. That is what the Minister is doing in moving the Powerhouse Museum to Parramatta. The committee has heard a great deal of evidence about Parramatta and the importance of locating a great cultural institution there—an issue on which all members agree. This Government can support, promote and build a cultural institution because of its strong economic and financial position, and it is proud to do so. As an aside, Government members can walk and chew gum at the same time.

Because of its strong economic management this Government can focus on a range of policy outcomes and provide services in a number of areas. Sometimes the commentariat would have us believe that if we are supporting a particular policy proposal or piece of infrastructure we cannot support any others, which is fallacious and absurd. I refer to the cost of the business case. The Minister spoke of \$10 million. The Minister is correct. It is patently absurd for the Opposition and for others to suggest that this project, which was originally considered

in 2014, could be constructed for \$10 million. That was always the cost of the business case and that is a perfectly reasonable proposition. Once a business case is received by government it is subject to peer review.

Obviously we want Treasury, the Department of Premier and Cabinet and Infrastructure NSW to go through the business case to ensure it reflects appropriate procedures and processes and that the money is spent wisely and effectively. Those assumptions need to be tested and the conclusions need to be challenged. To release a business case before that has happened would be utterly irresponsible of any government. One day those sitting opposite will be in government again.

**The Hon. Adam Searle:** One day soon.

**The Hon. BEN FRANKLIN:** One day soon if 2030 is soon for the Leader of the Opposition. I look forward to that.

**The Hon. Dr Peter Phelps:** In galactic time terms.

**The Hon. BEN FRANKLIN:** I acknowledge that interjection. That is an appropriate process. This Government was elected by the people of New South Wales to make decisions about the direction of the State and those decisions are made in Cabinet. When a business case is presented to the Government it is examined by all the agencies and it is considered by Cabinet. Cabinet will then make a decision about whether or not to proceed.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I remind Mr David Shoebridge that interjections are disorderly at all times. The debate has been going well until this point.

**The Hon. BEN FRANKLIN:** That is utterly appropriate because that is how government works. I pick up on the Minister's point about the potential impact on costs. If a business case like this becomes de rigeur and an accepted form of behaviour, it sends a message to stakeholders in the marketplace that whatever quotes are submitted can be at the level that the Government wants and it will take out competition. It will potentially force the Government to accept quotes that will be significantly higher. That is not good government. The current process is appropriate and that is what the Minister has argued today. Recommendation 4 states:

That the NSW Government release the full business case for the Powerhouse Museum and all assessed proposals to the committee and the community ...

The committee's report was released in December. The Government has six months to respond to the report and those recommendations. Moving this motion today undermines the process of the inquiry because the Government has six months to respond to this issue that we are debating today. Is that how this House will deal with inquiry reports from now on? Will the Government not be given the opportunity to respond? If so, we are not letting the Government govern. Members of the Legislative Council will decide that we do not care. A more appropriate way to deal with this issue is to see if the Government's response is acceptable and appropriate to the committee and this House. If it is not, then members can take this sort of action. The process we are debating today concerns me.

First, we need a cultural institution in Parramatta, which is the geographical heart of Sydney, which is what the Government is seeking to do. Secondly, the process of keeping a business case confidential at this point is appropriate. It is appropriate in respect of cost and it is the fundamental basis of Cabinet-in-confidence. Thirdly, the Government should be given the appropriate time to respond to the recommendations made by the committee and then action can be considered at that time. Fourthly, regional cultural organisations are extremely valuable and we must ensure that we continue to focus on them. I am proud to acknowledge the leadership of the Hon. Robert Borsak, who, like me, is focusing on that issue. I oppose the motion.

**The Hon. SCOTT FARLOW (11:33):** I stand with the Leader of the Government, the Hon. Don Harwin, and the Hon. Ben Franklin to oppose this motion before the House. I too sat on the inquiry into museums and galleries with the Hon. Ben Franklin, the Hon. Shayne Mallard and Mr David Shoebridge and have watched this episode unfold for some time. It is the inquiry that never seems to end. The committee considered museums and galleries across New South Wales but mostly the relocation of the Powerhouse Museum. Government members have been supportive of ensuring that Parramatta, the heart of Western Sydney, has a world-class cultural institution such as the Powerhouse Museum embedded on the Parramatta River. That has been the consistent position of members on this side of the House. Unlike those opposite, who dabble. Initially they were keen to point out that their position was to relocate the Powerhouse Museum to Parramatta but, like a weather vane, their position has changed.

Earlier this week the Hon. Don Harwin outlined that Opposition members were wedded to Parramatta, then they were sceptical about Parramatta, and now they are running away from it. The people of Parramatta and Western Sydney are right to question members opposite as to where they stand on the relocation of the Powerhouse Museum to Parramatta. I am opposed to this motion because it would completely undermine the process of government in this State, it would undermine the Cabinet process and it would give an unfair advantage to people

who are bidding on this project, as the Leader of the Government and the Hon. Ben Franklin outlined. A business case allows the Government to assess its position, which is why it has a longstanding convention to publish only a summary and not a full business case. To publish a business case in full would give an unfair advantage to stakeholders in the marketplace who would see what the Government is prepared to pay for such a project. It would undermine the tendering process, which is objectionable. We know that business cases are relatively fluid. They need review and sometimes require further information.

Asking for the preliminary, final or current versions of the business case—as this motion does—would undermine that process and may lead to a perverse outcome. I am sure that is not the outcome that members opposite expect, but it could be an unintended consequence. This motion is a fishing expedition to undermine the Government's decision to relocate the Powerhouse Museum. I commend the Leader of the Government, and Minister for the Arts, the Hon. Don Harwin, for his stewardship of this project. He has ensured a balance—ensuring a cultural environment is retained at the Ultimo site while investing in a new world-class facility at Parramatta. It is exciting visiting Parramatta, the cultural heart of Western Sydney, and seeing Riverside Theatres on the riverbanks and what will be the Powerhouse Museum in the future.

I do not speak on this motion as someone who has a passing interest in the Powerhouse Museum. I am a member and regular attendee of the Powerhouse Museum and my children love it and its exhibitions. I take this matter seriously. The Powerhouse Museum has a wonderful collection, including the Boulton and Watt steam engine, the Catalina, the No. 1 steam engine—

**The Hon. Greg Donnelly:** Dick Smith's helicopter.

**The Hon. SCOTT FARLOW:** Yes, the helicopter, and the solar car. One of the objectives of the Government relocating the Powerhouse Museum is its ability to display more of those pieces, which is currently hampered by the current configuration of the museum. The inquiry has heard from the museum's curators and director that there are difficulties managing the collection in that space. A purpose-built facility can take those wonderful treasures into consideration and better accommodate them. I do not like to look south too often, but I was inspired by Victoria and what can be done with a purpose-built facility and modern technology. The inquiry into museums and galleries heard that modern technology is changing the nature of museums and our experience when visiting them.

I recently visited the Sydney Jewish Museum and saw its renovations. Some of the works that have been done are quite astounding. The museum is using modern technology to increase experiences and improve understanding and learning. While it is not a State Government cultural institution, is one we can learn from. Recently I was at the Australian Museum and saw its new long gallery and media walls. A brave new world of museums is coming and no doubt the site at Parramatta, and the new Powerhouse Museum at Parramatta, will deliver some of these great innovations. The Government is intent on making sure that Western Sydney and its cultural heart, Parramatta on the river banks, has a world-class cultural institution—and that is the Powerhouse Museum.

This process has gone on for some time. The Government rightly wants to do its homework in relation to this issue. The businesses cases have been prepared to ensure that the Government is informed of all of the challenges and opportunities that exist. Business case documents are very live and are not set in stone. They include certain things to inform Cabinet so that it comes to the right decision in relation to projects as important as the Powerhouse Museum and as important as its collections. This project is looking at balancing the old with the new. I think all members of this Chamber would say that the current car park at Parramatta—the old David Jones car park—is not necessarily optimal for that site and to imagine the brave new world with a Powerhouse Museum there is very encouraging.

The Powerhouse Museum was chosen for relocation to Western Sydney because after analysis it was decided it was the most suitable of our cultural institution in this State to be relocated. It is a cultural institution that is well frequented by those who live in the geographic heart of Sydney, Western Sydney and Parramatta, and school groups and the like. This cultural institution is skewed to a younger audience and families, and there is no better place for it than in the heart of Western Sydney in Parramatta to revitalise that precinct. The precinct is already well served by Eat Street, which runs along Church Street in Parramatta, by the Riverside Theatres across the river banks and Parramatta Park, that wonderful lung for Western Sydney and Parramatta. Of course, just down the road is a new Parramatta stadium as well.

A lot is happening in Parramatta and this Government is very focused on it. This area will also have light rail. The new Western Sydney Metro, with stops at Parramatta and Westmead, has been announced. A lot is happening in Parramatta and the Powerhouse Museum will be the pièce de résistance when it comes to the cultural heart of Western Sydney. It is a fantastic cultural institution.

**Mr Scot MacDonald:** Labor doesn't like Western Sydney.

**The Hon. SCOTT FARLOW:** I note that interjection from Mr Scot MacDonald, who commented on the views of Opposition members when it comes to Western Sydney. So much is happening in Parramatta, which is represented by the fantastic member for Parramatta, Dr Geoff Lee—

**The Hon. Walt Secord:** Point of order: My point of order goes to relevance. We have been very tolerant during this filibustering. The Hon. Scott Farlow is now talking about Parramatta, the member for Parramatta and not about the business case or the motion before the House. Talking about the member for Parramatta bears no relevance to the debate.

**The Hon. Shayne Mallard:** To the point of order: The member for Parramatta is a strong advocate for this issue. It is relevant to hear the views of the member for Parramatta on the relocation of the museum.

**The Hon. Walt Secord:** To the point of order: The Hon. Scott Farlow was talking about the so-called attributes of the member for Parramatta, which bear no relation to the matter before the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I was speaking to the Government Whip about another matter and I was not concentrating on the debate. The Hon. Scott Farlow should try to be generally relevant. I am sympathetic to the observations of the Hon. Walt Secord, to be frank.

**The Hon. SCOTT FARLOW:** I understand that the member for Parramatta, and all of his wonderful attributes, may not necessarily be relevant to this motion. I will return to the business case. I am sure the member for Parramatta, Dr Geoff Lee, would concur that this is a vital project and one that needs to be considered appropriately by government. However, having the business case thrown to the upper House would not be advantageous to get the best value for taxpayers in New South Wales. The Hon. Ben Franklin referred to a recommendation of the committee to be able to produce the business cases. The Government has six months to respond. We, of course, noted that during that process several business cases—the preliminary and the final—were prepared by different organisations. I think KPMG, or one of the big fours, was involved in providing it. I always get KPMG and Ernst and Young mixed up. I think that both sides of the Chamber might use the big four consultancy firms when it comes to preparing businesses cases for government.

**The Hon. Dr Peter Phelps:** For them its the CFMEU, AWU, TWU—

**The Hon. SCOTT FARLOW:** I note that interjection. We would not want to do anything to undermine what will be an absolute fantastic cultural institution for the people of Western Sydney in Parramatta. I move:

That the motion be amended by omitting the words "and final or current versions of the" in paragraph (a).

Paragraph (a) would then read:

(a) the preliminary business case for the relocation of the Powerhouse Museum from Ultimo to Parramatta, and

**The Hon. Dr PETER PHELPS (11:46):** The Museum of Applied Arts and Sciences is a wonderful institution. Some of my earliest memories as a boy are those of going down to the old red brick building at Ultimo and seeing the working model of the stump jump plough, a perspective of a streetscape and how lights affected the play of view with respect to light and dark colours, oncoming traffic and pedestrians. My favourite though most futile exercise was playing noughts and crosses against, of all things, a computer in the 1970s. Let me tell you, it was very exciting for a young lad to be able to play against a computer. These days the Museum of Applied Arts and Sciences incorporates a range of things. It is not only the Powerhouse Museum, but it is also Sydney Observatory. The core of it is the original Museum of Applied Arts and Sciences.

The original idea goes back to the 1870s, stemming essentially out of the great exhibition that was held in Sydney and the way that various imperial industries had come to Australia, brought their products with them, and rather than return them had left them here. The Board of Trustees of the Australian Museum decided to create a technical and industrial museum, something that could showcase the great modern mechanical sanitary inventions which might be able to inform the colony, as it then was, of New South Wales. Hence, it became known as the Technological, Industrial and Sanitary Museum of New South Wales.

As I said, it was originally designed for the Garden Palace. I am sure all members are cognisant of the regrettable thing that happened to that magnificent institution, including the loss of numerous colonial records relating to convicts, musters and returns for the colony. That has been a tragedy for New South Wales genealogists ever since. It has occasionally been suggested that some of the more senior members of the colony wished to wilfully hide their convict antecedents. Nevertheless, the museum was moved around until it was eventually given a home in Ultimo thanks to Joseph Carruthers, whose name I mention for the benefit of the Leader of the Opposition. He was a prime mover behind the museum being set up in Ultimo.



As Minister for Public Instruction, Joseph Carruthers had big plans for the creation of Ultimo Technical College, of which the Museum of Applied Arts and Sciences as it later became known was a constituent part. It is interesting to note its location: halfway between the central business district and the University of Sydney on greenfield land that would be used to create a new technical college. It is now called Sydney TAFE and has been producing great students for almost a century and a half.

People have asked why we are thinking of moving the museum to Western Sydney. I will refer to some of the earliest documentation we have on technological museums and instruction. Professor Liversidge travelled through Europe and conducted a survey not of historical museums but of various modern museums of technology and science. As reported in the *Sydney Morning Herald* as early as 29 September 1880, his chief recommendation was that the museum in Sydney should be a central one—by which he meant it should be not merely intellectually centred but also geographically centred. He went on to say:

The central museum should, as occasion offered, extend its influence to the country districts by the loan of exhibits, either to local museums, or any local exhibitions started by Mechanics' Schools of Arts and other institutions of the kind.

That is a nice bit of serendipity. I give a shout-out to the visitors from the Mechanics' Schools of Arts who were here earlier today. They were included in the original vision for a science and technology museum. Professor Liversidge makes the clear point that the museum has to be a central one. These days centre of Sydney is not Ultimo. It might be the intellectual centre of The Greens, but it is no longer the geographic and population centre of Sydney. On 22 October the *Sydney Morning Herald* reported on the opinion of the Australian Museum board of directors about the creation of a new museum. The article reads:

This new museum should, they think, be a grand central one for a whole colony, and others should be established in country districts as its branches, which should have the use of specimens from the head institute, when any were necessary for illustrating lectures.

There we have it. From its earliest conception and through all its iterations it was said that the museum should be centrally located. That central location is not Ultimo. If we are serious about what it means to have a centrally located museum we will be required to move it, unsurprisingly, to somewhere that is more centrally located. We are debating this motion today because The Greens are engaged in their own internal petty fights. But why are Labor members supporting The Greens, given that their predisposition has been to accept that moving the museum to Western Sydney will be positive and advantageous? They are willing to have this debate today because Michael Daley has been exposed taking \$13,000 in illegal donations and they want to hide it.

**The Hon. Walt Secord:** Point of order—

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I will call Government members to order if they interject again. The Hon. Walt Secord will not shout at me. What is his point of order?

**The Hon. Walt Secord:** My point of order is relevance. Political donations are not mentioned in the motion before the House. If the Hon. Dr Peter Phelps wishes to launch an attack on another member he should do so by way of substantive motion.

**The Hon. Dr PETER PHELPS:** To the point of order: The motivation for a particular course of action on the part of any political party should be open to question, especially when it contradicts previously given assurances and policy directions. One has to question why this change has taken place.

**The Hon. Walt Secord:** To the point of order: The matter before the House is clear. This is about obtaining the business case. The Government has bungled the move and lurched from crisis to crisis. It is a dripping roast.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call the Hon. Walt Secord to order for the first time. He has been repeatedly warned not to use points of order to make debating points.

**The Hon. Courtney Houssos:** To the point of order: Speakers are given wide latitude in debates. However, a member simply reflecting on something he has read in the newspaper this morning is not directly relevant to the Powerhouse Museum, which is what we are discussing. I ask you to ask him to return to the leave of the motion.

**The Hon. Shaoquett Moselmane:** To the point of order: The former Government Whip knows full well that attacks on the credibility of members should be done by way of substantive motion. He is not only attacking a member's credibility but also making allegations about corruption. I ask him to withdraw that comment.

**The Hon. Scott Farlow:** To the point of order: The member was not attacking a member in the other place. Rather, he was talking about the motivation of members in this Chamber for allowing this motion to be brought on for debate today in the fashion in which it was. That is relevant to the motion and the debate.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The Hon. Dr Peter Phelps is going beyond the leave of the motion. He will direct his attention generally to the matters before the House.

**The Hon. Dr PETER PHELPS:** I will correct the Opposition Whip. He referred to me as the former Government Whip. I prefer to be known as the Artist Formerly Known As Whip. It strikes me as passing strange that something that was considered insignificant at midday yesterday has by 9.00 a.m. this morning achieved—

**Mr David Shoebridge:** Point of order: The Artist Formerly Known As Symbol is flouting your ruling and has returned straight to where he was.

**The Hon. Courtney Houssos:** To the point of order: The member is discussing the reasons for the motion being debated today. The appropriate time to do that was this morning when we were debating the order of business. The House has voted to debate the motion, and that is what the member's comments should be restricted to.

**The Hon. Dr PETER PHELPS:** I absolutely concur. I will restrict myself. There is no need for these papers to be presented at the moment for the reasons that have been clearly outlined by the Minister. Indeed, he has made quite clear the proper procedures undertaken in the creation of business cases and how they fit within the structure of Cabinet considerations of such matters. He has spoken about the probity undertaken in all of these instances. He has spoken also about the peer review that takes place in all of these instances. This is a fishing expedition designed to try to draw attention away from other events of the day, which may or may not have an impact upon the credibility of members opposite and their colleagues in another place. This is a stunt. It is a smokescreen. It is smoke and mirrors. It should be opposed.

**The Hon. NATALIE WARD (12:00):** I do not support the motion. The need to get the best possible value from spending public money will always remain a constant for those entrusted with spending decisions. Responsible spending has always been the mantra and practice of a Liberal-Nationals Government. The financial mismanagement of 16 years of Labor has sharpened this requirement. The continuing downward pressure on the availability of public sector finance, together with the ever growing upward pressures on demand for public services, will continue to further increase the need to make better use of the resources available. The challenge has never been greater and this Liberal-Nationals Government takes that responsibility very seriously. It does not use it as a political football like some others in this place. In this context it is vital that capital spending decisions are taken on the basis of highly competent, professionally developed spending proposals. That is what we do. We make evidence-based decisions; not reward our mates or entrenched union hack political prospects.

The practice of developing a business case has been refined and tested over many years. It provides a clear framework for thinking about spending proposals and a structured process for appraising, developing and planning to deliver best public value. All of this is captured through a well-prepared process and a commercial business case that supports evidence-based decisions. Policies, strategies, programs and projects will only achieve their spending objectives and deliver benefits if they have been scoped robustly, planned realistically and the associated risks taken into account. The business case, both as a product and a process, provides decision-makers and stakeholders with a management tool for evidence-based and transparent decision-making, and a framework for the delivery, management and performance monitoring of the resultant scheme.

The business case in support of a new policy, new strategy, new program or new project must evince the following: that the intervention is supported by a compelling case for change that provides holistic fit with other parts of the organisation and public sector, otherwise known as the strategic case; that the intervention represents best public value, otherwise known as the economic case; that the proposed deal is attractive to the market place, can be procured and is commercially viable, otherwise known as the commercial case; that the proposed spend is affordable, otherwise known as the financial case—something not very well known to others in this place; and that what is required from all parties is achievable, otherwise known as the management case. For these component parts to produce the best possible outcome, it is imperative that they be subject to commercial-in-confidence arrangements.

A confidentiality agreement is the starting point of almost any sensitive commercial negotiation and assessment. It assists and facilitates the sharing of information with others. It allows the parties to scope and test in a collaborative commercial way. Much like parties to litigation can make use of settlement negotiation rules that allow for them to put and receive or reject offers on a without-prejudice basis—that is, in a confidential and protected environment where it will not be held against them at a later stage—in order to facilitate an opportunity to scope out potential opportunities between parties. Confidentiality agreements and commercial-in-confidence is used in a variety of situations, including during negotiations for the sale of a business. This usually occurs when the vendor lets the prospective buyer conduct due diligence on the business and investigate its financial accounts and other sensitive business data. The prospective buyer does this to decide whether or not to buy the business. It can be done during a partnership or joint venture. The parties considering entering into some sort of alliance,

affiliation, partnership, venture or sponsorship relationship will usually reveal certain details about each other's business as a way of establishing the financial viability of joining forces.

It might also be that the businesses have already become partners and wish to continue to share confidential information with one another, with the security afforded by a confidentiality or commercial-in-confidence agreement. It can be done in the subject area of a concept or idea. It is a common commercial arrangement that sometimes those with a new business idea will approach someone for technical assistance, financial backing, partnership opportunity or some other commercial relationship that requires certain information be disclosed. The party sharing the idea or concept may wish to have the other party assure them of confidentiality in order to ensure their idea is not stolen. It can also be done in employment agreements. Sometimes the employer will wish to protect the confidential information that its employees will come into contact with, both during employment and after the employment has come to an end. There is nothing suspicious or difficult about this; it is accepted common commercial practice. This Government is all about delivering for the people of New South Wales and that is what is being done in this proposal to move the Powerhouse Museum. I do not support the motion.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (12:06):** Mr Deputy President, on the amendment of the Hon. Scott Farlow—

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The Minister is seeking the call to speak to the amendment. He is entitled to do so as long as he restricts his remarks to the amendment. It is within the two hours that is allowed for debate.

**The Hon. DON HARWIN:** I am not planning to be very extensive in my comments. The Hon. Scott Farlow has moved an amendment to paragraph (a) of the motion in relation to the scope of the order for the production of versions—

**Mr David Shoebridge:** Point of order: I do not in any way question the Chair's ruling that a member can speak twice, but Standing Order 187 (1) (b) notes an absolute time limit of 10 minutes. The Minister has already consumed his 10 minutes.

**The Hon. Dr Peter Phelps:** That only relates to bills.

**Mr David Shoebridge:** To the point of order: I note the observation of the Hon. Dr Peter Phelps. The appropriate rule is Standing Order 186 (2) (b), which refers to a time limit of 20 minutes. I think the Minister spoke for 20 minutes.

**The Hon. DON HARWIN:** I did not. I spoke for 15 minutes.

**The Hon. Shaoquett Moselmane:** You spoke for the full allocation.

**The Hon. DON HARWIN:** I spoke for the full allocation, but not for 20 minutes.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I have taken advice from the Clerk. I am advised that where a member is speaking to the amendment that rule does not apply. The Minister has the call.

**The Hon. DON HARWIN:** As I was saying in relation to Mr Shoebridge's motion, paragraph (a) concerning the scope of the order talks about "the preliminary and final or current versions of the business case". Mr Farlow's amendment seeks to take out the words "and final or current versions". I support this amendment because I have a particular concern that the wording of the motion is particularly vague and uncertain and will cause quite a bit of difficulty for the agencies that are named in the motion to determine what it means.

**The Hon. Natalie Ward:** What are they supposed to produce?

**The Hon. DON HARWIN:** It is unclear. I am also concerned, therefore, that seven days is not nearly long enough to be able to comply with the order because I suspect that legal advice will be required so that we can work out exactly what the scope is. Personally, I find "and final or current versions" troubling. It was not addressed by Mr David Shoebridge in his remarks earlier. Perhaps it will be adequately responded to in his right of reply, in which case the House will form its own judgement on the amendment. I believe that the amendment moved by the Hon. Scott Farlow is appropriate because if we are going to have seven days as the term of the order we should have something that is clear. We know that the preliminary business case for the relocation is a document that can be produced, but what "final or current" means is not clear to me. Therefore, I believe it is appropriate to pass the amendment.

**The Hon. WES FANG (12:11):** I make a contribution to debate on this motion. The documents requested have been prepared specifically at the request of the Government for the purpose of assisting and

informing Cabinet's consideration and decision. The confidentiality of Cabinet material is a fundamental principle of the Westminster system. Undermining that Cabinet confidentiality—

*[Interruption]*

**The Hon. Don Harwin:** Point of order: The honourable member is now facing a barrage of interjections from a member who has literally just walked into the Chamber and has not done any of us the courtesy—

**The Hon. Penny Sharpe:** I can turn on the tele, you know.

**The Hon. DON HARWIN:** —of listening to all the other contributions.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call the Hon. Penny Sharpe to order for the first time. Interjections when a point of order is being taken have clearly been highlighted as being most unsatisfactory. I agree with the Minister. Opposition members are not to engage in barracking whilst the member is speaking.

**The Hon. WES FANG:** The confidentiality of Cabinet material is a fundamental principle of the Westminster system. Undermining that confidentiality by seeking the production of documents prepared for the purpose of assisting the Cabinet in decision-making undermines democracy and it undermines the Westminster system—the very system under which this Chamber was formed.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call Mr David Shoebridge to order for the first time.

**The Hon. WES FANG:** For those fundamental reasons of supporting the Westminster system and of supporting the Cabinet system of government that this Government operates, and operates well, we oppose this motion today. We had bipartisan support for the relocation of the Powerhouse Museum, but suddenly that support seems to have evaporated on the other side of the House. We had bipartisan support because of our great support of Western Sydney. Western Sydney is now the geographic centre of Sydney.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call the Hon. Daniel Mookhey to order for the first time. I am sure all members want to vote on this motion. It would seem to me to be highly foolish for members to put themselves in a position where their side of the House may lose numbers. I encourage members to either leave the Chamber or to remain and have the courtesy of allowing the member to speak.

**The Hon. WES FANG:** There was support for Western Sydney, and that support has not evaporated on this side of the House. We support Western Sydney, we support New South Wales, we support rural and regional New South Wales, and we support the arts.

**The Hon. Penny Sharpe:** Point of order: I have listened carefully to the honourable member's contribution to this debate. He is straying well outside relevance when it comes to speaking about an order for papers in relation to the Powerhouse Museum. I ask you to call him back to discussing the motion before the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I uphold the point of order.

**The Hon. WES FANG:** The call for the business case to be released can only lead to a number of things, particularly—

**The Hon. Don Harwin:** Point of order: There have been a string of interjections from Mr David Shoebridge. He is the mover of this motion but he is not giving honourable members the courtesy of making a contribution. It is unacceptable.

**The Hon. Walt Secord:** To the point of order: That is absolutely untrue. There were no interjections and a review of the tape will show there were no interjections. The Minister does himself no service picking up phantom interjections.

**The Hon. Don Harwin:** To the point of order: I would be very happy for the Hon. Walt Secord to review the tape because there absolutely was an interjection.

**The Hon. Penny Sharpe:** To the point of order: As someone who interjects frequently and gets in trouble for it in this place I am pretty good at knowing what an interjection is and knowing whether there has been one. There was some noise coming from us but it was not an interjection.

**Mr David Shoebridge:** To the point of order: I accept that I quietly said the word "transparency", but I did not intend that to be an interjection.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I accept that Mr David Shoebridge is being of assistance with his last observation. We are all alive to where we are in this debate. I will not do anything more about the matter at this stage.

**The Hon. WES FANG:** As previous speakers in this debate have already highlighted, if this business case is released it has the potential to damage the value for money that we could get in any tendering process. It will drive the price of tenders to what is reflected in the business case. The Government wants to ensure that it gets value for money in all projects that support the arts and culture and it is vitally important that the taxpayers of New South Wales see that reflected in this place. I was very fortunate to attend one of the cultural infrastructure workshops in Wagga Wagga at the start of the year.

**The Hon. Penny Sharpe:** Point of order: My point of order is relevance.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I uphold the point of order.

**The Hon. WES FANG:** What was discussed at that cultural infrastructure workshop is relevant.

**The Hon. Courtney Houssos:** Point of order: Mr Deputy President, you clearly made a ruling stating that reference to Wagga Wagga was out of order. The Hon. Wes Fang then returned immediately to the same subject matter. I ask that you call him to order or he returns to the subject matter.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I am not going to give him a choice. I will not call the Hon. Wes Fang to order but I direct the member to be relevant. If he does it again I will then call him to order. I welcome to the public gallery students from high schools across New South Wales who are attending the Student Leadership Program conducted by the Parliamentary Education Office. We are in the midst of a debate over whether the Government should produce some documents to the House relating to the Powerhouse Museum, which is currently at Ultimo and may move to Parramatta, not Wagga Wagga. I am sure the Hon. Wes Fang will note that as he proceeds to make his contribution.

**The Hon. WES FANG:** The business case, if released, will no doubt affect the value for money this Government can achieve with the project. That is of great concern to me and should be of great concern to members opposite but does not seem to be. Opposition members seem to have withdrawn their support for Western Sydney, the arts and value for money for the New South Wales taxpayer and that is of great concern. They would see us pay well above what may be able to be achieved through a competitive tender process because of political pointscoring. That is appalling. It demonstrates their lack of financial skills and knowledge of good governance. Indeed, it shows they are not ready to govern. Government members want to ensure that New South Wales taxpayers receive good value for money, and that means having a competitive tender process that enables companies to bid in a way that delivers value for money. Releasing the business case prematurely will damage that process. The Liberal-Nationals Government will always ensure value for money for the taxpayer. We support Western Sydney, we support the arts—

**The Hon. Shaoquett Moselmane:** And Wagga Wagga.

**The Hon. WES FANG:** And Wagga Wagga, but I return to the motion. I expand on points raised by the Minister in response to an amendment. I move:

That the motion be amended by omitting "seven days" and inserting instead "21 days".

**The Hon. NATASHA MACLAREN-JONES (12:23):** I move:

According to sessional order:

- (a) that the time for debate on this motion be extended for one hour; and
- (b) that the member speaking prior to the interruption of debate be permitted to complete his or her contribution in his or her time remaining.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I make the observation that the question on the extension of time is to be decided without debate, so I put the motion now. The motion is that according to sessional order that the time for debate on the motion be extended for one hour and that the member speaking prior to the interruption of debate be permitted to complete his or her contribution in his or her time remaining.

**The House divided.**

Ayes ..... 19  
 Noes ..... 18  
 Majority..... 1

## AYES

Amato, Mr L  
Colless, Mr R  
Farlow, Mr S  
Harwin, Mr D

Blair, Mr N  
Cusack, Ms C  
Franklin, Mr B (teller)  
MacDonald, Mr S

Clarke, Mr D  
Fang, Mr W  
Green, Mr P  
Maclaren-Jones, Ms N  
(teller)  
Mitchell, Ms S  
Taylor, Ms B

Martin, Mr T  
Nile, Reverend F  
Ward, Ms P

Mason-Cox, Mr M  
Phelps, Dr P

## NOES

Borsak, Mr R  
Donnelly, Mr G (teller)  
Graham, Mr J  
Moselmane, Mr S  
(teller)  
Searle, Mr A  
Shoebridge, Mr D

Brown, Mr R  
Faruqi, Dr M  
Houssos, Ms C  
Pearson, Mr M

Buckingham, Mr J  
Field, Mr J  
Mookhey, Mr D  
Primrose, Mr P

Secord, Mr W  
Walker, Ms D

Sharpe, Ms P  
Wong, Mr E

## PAIRS

Khan, Mr T  
Mallard, Mr S

Veitch, Mr M  
Voltz, Ms L

**Motion agreed to.**

**The Hon. SHAYNE MALLARD (12:33):** I thank the House for agreeing to the extension of time so I may contribute to this debate. As a member of the upper House inquiry into the Powerhouse Museum relocation I am keen to make a contribution. I oppose this motion. Other members have outlined the arguments around the confidentiality of Cabinet processes and its importance for functioning democratic Westminster-style government. Cabinet must operate with the knowledge that its processes are confidential and that any of its dealings with the commercial sector will not be undermined by the premature or inappropriate release of business case documents. I am disappointed that there is a need to debate this issue today; I was looking forward to debating the incinerator proposal.

**The Hon. Don Harwin:** Point of order: The Hon. Shayne Mallard is struggling to continue because of interjections by the Hon. Penny Sharpe. I ask that the member be called to order. It is not the first time the member has interjected while members were speaking.

**The PRESIDENT:** I am well aware of the situation. I indicate to the Hon. Penny Sharpe, and all other members, that I will start calling members to order if further interjections occur.

**The Hon. SHAYNE MALLARD:** It is disappointing to be standing here debating this motion.

**The Hon. Daniel Mookhey:** Point of order: The honourable member is reflecting on a decision of the House to proceed with this debate.

**The Hon. Don Harwin:** To the point of order: There has been no decision on this motion; there is a debate. It is not possible to uphold the point of order.

**The Hon. Daniel Mookhey:** To the point of order: The decision upon which the member is reflecting is the procedural decision the House made to prioritise this debate ahead of the Western Sydney incinerator debate which, in my recollection we had a division on, which was recorded and could count as a decision of the House.

**The Hon. Don Harwin:** I withdraw my point of order.

**The Hon. SHAYNE MALLARD:** To the point of order: I have been speaking for just over one minute. If I am allowed to continue, the context of my speech will become clear.

**The PRESIDENT:** It is early stages of his contribution, but I remind the honourable member that the debate is on the substantive matter of the motion. I ask the member to proceed accordingly.

**The Hon. SHAYNE MALLARD:** It is a disgrace that The Greens and the Labor Party are using this process to call for papers regarding the Powerhouse Museum to play politics with the Powerhouse Museum, the arts community and Western Sydney. This motion undermines a sound Cabinet process that is underway to relocate the Powerhouse Museum to Western Sydney. I strongly support its relocation and did so before I was elected to this Chamber.

The case for the relocation is irrefutable. It is not a thought bubble by former Premier Mike Baird prior to the 2015 election, as suggested by a previous speaker. I was an adviser to the mayor of Liverpool for two years prior to my election to this place, and I was involved with representing council in the Deloitte-commissioned report into building Western Sydney's cultural arts economy. That report was released around the same time as the cultural infrastructure study. The Deloitte study has been tabled in the upper House inquiry, and I commend it to members. The report was financed by Liverpool, Penrith and Parramatta councils, and they endorsed its recommendations. It has been said that there was no consultation with Western Sydney, but I believe those three councils represent a large part of Western Sydney. I will mention a few matters from the report. David Borger is well known to those opposite.

**The Hon. Penny Sharpe:** Point of order: There has been a lot of discussion about what motion is before the House. This is a call for papers in relation to the Powerhouse Museum. It is not an opportunity for members to wax lyrical as they try to filibuster in this debate. My point of order is relevance: Members must confine their comments to the leave of the motion.

**The Hon. Don Harwin:** To the point of order: Comments such as "thought bubble" and "cooked up" have been made by members of the Opposition right through this debate. Members of the Government are entitled to reply to debating points made by people advancing arguments for the motion, and that is exactly what the Hon. Shayne Mallard is doing. The honourable member is making remarks demonstrating that this was not, as the Hon. Walt Secord tried to say, a mere thought bubble.

**Mr David Shoebridge:** To the point of order: A member saying they are responding to earlier contributions does not make a matter generally relevant. There is an overriding obligation to be generally relevant, and whether or not it is a response is irrelevant to that.

**The PRESIDENT:** As members are aware, a wide latitude is allowed in debates of this nature. At the same time when one side of an argument presents certain matters it is generally relevant for the other side to respond to those matters as to whether they agree or disagree with them and the reason for it. However, I am well aware of what the Hon. Penny Sharpe has said. I indicate to the Hon. Shayne Mallard that wide latitude is permitted but there should be a nexus to the motion that is before the House.

**The Hon. SHAYNE MALLARD:** The nexus is the argument that in some way the Government's decision to relocate the Powerhouse Museum to Western Sydney is irresponsible, invalid or not substantiated by solid facts, which is factually wrong. I outlined my involvement with the Deloitte Economics report. I will cite some of Deloitte's findings to demonstrate that the Government is acting upon a very solid foundation regarding the relocation. Mr David Borger, the Director of the Western Sydney Business Chamber, gave evidence to the upper House inquiry. He is also a former Minister in a Labor Government, and both sides of the Chamber would agree that he is a great ambassador for Western Sydney. In the introduction of the report Mr Borger states:

It's time the two million residents and 150,000 businesses of Western Sydney were given the opportunity to develop their talents and experience cultural assets closer to home.

Our report shows investing in Western Sydney's cultural arts economy is a good long term business and social investment, to ensure Western Sydney is a place where people can live, work and socialise.

The report makes an observation about government funding in Western Sydney today. Ten per cent of Australia's population and 30 per cent of the New South Wales population live in Western Sydney. It is the third largest economy in Australia, but it does not have a major arts institution. There are worthy regional art institutions at Campbelltown, Liverpool and Penrith, but Western Sydney does not have a State significant arts institution. Western Sydney gets 1 per cent of Commonwealth Government arts funding.

*[Business interrupted.]*

*Visitors*

## VISITORS

**The PRESIDENT:** I welcome into the President's Gallery former Deputy Prime Minister the Hon. Tim Fischer, AC. We are pleased to see him with us today.

*Documents***POWERHOUSE MUSEUM RELOCATION****Production of Documents: Order**

*[Business resumed.]*

**The Hon. SHAYNE MALLARD (12:43):** Welcome; I am currently reading the biography of General Monash. Only 5.5 per cent of the New South Wales Government's cultural arts funding since 2013-14 goes to Western Sydney, which is a disgrace. I am from Western Sydney—I was born at Nepean Hospital—and I think it is disgrace that more resources are not going into Western Sydney. Why are those opposite undermining the Government's investment in Western Sydney and the arts? The Deloitte report, endorsed by the three councils representing probably 250,000, 300,000 or more people, has several recommendations. It is important that we observe recommendation 3, which is to relocate the Powerhouse Museum to Western Sydney. That report was issued long before former Premier Mike Baird announced it as an election policy. The report says:

That the relocation involves the full sale proceeds of the existing Powerhouse site in Eastern Sydney being quarantined to establish the new Museum in Western Sydney—with any surpluses used to fund future Powerhouse Museum programs in Western Sydney.

We also recommend that the new Powerhouse Museum include establishing formal links with the University of Western Sydney, the local Cultural Arts industry and existing cultural venues.

That report's recommendation to relocate the Powerhouse Museum predates anything the Government announced in the election. In fact, that announcement was probably plagiarised! I was a student of public education in Western Sydney, which is one of the reasons I became involved in the inquiry—the Deloitte inquiry, not the upper House inquiry, although it is a probably follow-on. A student in Western Sydney at one of the 22 public schools in the Liverpool local government area, for example, is lucky to get one trip into the city to a cultural institution in their whole school career. I recall two trips to the city in my school life, the first to the museum, which is next to Sydney Grammar School, and the second to the zoo. A trip to a State cultural institution can be a life-changing experience for a student. It can open their eyes to some great opportunities. I congratulate Western Sydney on filling the gap. In my time at Liverpool City Council I was very impressed by the Casula Powerhouse Arts Centre—

**The Hon. Daniel Mookhey:** Point of order—

**The PRESIDENT:** I ask the Hon. Daniel Mookhey to go to the lectern. I cannot hear him because of the continued interjections from Government members.

**The Hon. Daniel Mookhey:** My point of order is relevance. The motion before the House is a call for papers. Whilst aspects of the contribution of the Hon. Shayne Mallard have been generally relevant—with an emphasis on "general" not "relevant"—referring to the Casula Powerhouse is straying well beyond the terms of the debate.

**The PRESIDENT:** The Hon. Shayne Mallard has set up a sufficient foundation, but I ask him to direct his comments to the substantive part of the motion.

**The Hon. SHAYNE MALLARD:** There has been a lot of talk about consultation with Western Sydney and the committee visiting Western Sydney on the museum relocation matter. I note that the committee inquiry never met at Parramatta Leagues Club and took evidence from the community of Penrith or Liverpool. The committee met in the refined atmosphere of Parliament House. We went to Katoomba to investigate regional issues separately. The Powerhouse issue was not dealt with at Parramatta, but here in Parliament House. I am not sure why.

**Mr David Shoebridge:** You went to the car park.

**The Hon. SHAYNE MALLARD:** The trip to the car park was not official. I put that on the record.

**Mr David Shoebridge:** The committee went to Parramatta, you said that, but now you are—

**The Hon. SHAYNE MALLARD:** No, I am not going to entertain a debate. The election promise of 2015 is based very soundly on community support. We received submissions from various organisations. I have referred to the Deloitte report that was tabled by Mr Borger. I refer to the Western Sydney Arts Cultural Lobby and its submission No. 36 to the inquiry. For the benefit of members, the lobby is a group of artists, art workers and arts workers established in 2014. It met at Fairfield Arts Centre with the purpose of investigating collective thinking across the arts in Western Sydney. It has an agenda of securing fair and equitable arts funding for those in Western Sydney, ensuring it is at the table and developing an identity for Western Sydney in the representation of the arts. It made a submission to the committee in 2016 regarding the inquiry's terms of reference. Term of reference 1 (d) states:



... access to the collections of the Museum of Applied Arts and Sciences, the Australian Museum and any other state collections held in trust for the people of New South Wales, and programs that promote physical and online access.

Its recommendation was:

Decentralising the New South Wales Cultural Institution collections such as—

[Time expired.]

**Reverend the Hon. FRED NILE (12:49):** Other members, and the Hon. Wes Fang in particular, have made a strong case as to the value of the business plan to commercial development companies, which use it to try to work out how they can keep their tenders for the project as low as possible. It is important that this document is confidential, so that the Government will have a fair opportunity to get the lowest price in the quotes from those companies. It is very important that nothing is done to sabotage the future of the relocation of the Powerhouse Museum to Parramatta, but I sense an undercurrent of that in this debate. I have had many submissions from people who do not want the Powerhouse Museum moved to Parramatta, and they are doing all they can to lobby members to achieve that. I am pleased that the Government has held strongly to its plan for the future of the Powerhouse Museum. On 11 April 2016 the Government issued this statement:

The NSW Government has chosen a site on the banks of the Parramatta River as the preferred location for Parramatta's new Powerhouse Museum.

That statement was made by the then Premier, Mike Baird, and the then Deputy Premier, Troy Grant. Mr Baird said the Powerhouse Museum's relocation to Parramatta meant that for the first time one of the State's five major cultural institutions will be in Western Sydney. As someone who grew up in Western Sydney, in Revesby, I know that culturally it is a desert with a lack of facilities. That is why this is so important. As Mr Baird stated:

Locating the Powerhouse at Parramatta will ensure Western Sydney has a new, world-class cultural institution that will be a major drawcard for local and international visitors.

Mr Baird went on to say:

The site on the banks of the Parramatta River is the ideal location for the new Powerhouse Museum, which will serve as an anchor for a new arts and cultural precinct.

That is why we do not want to see anything done, deliberately or accidentally, by members of this House or parties in this House that could damage the whole proposal in the long term. In the foreword of the first report of the committee, the Chair, the Hon. Robert Borsak, said:

The committee has also recommended that the business case consider the establishment of a Museum of Applied Arts and Sciences satellite site in Western Sydney, and that the government consider investing in a cultural precinct proposal for Western Sydney ...

Recommendation 6 of the report states:

That the business case prepared by the NSW Government consider establishing a Museum of Applied Arts and Sciences satellite site in Western Sydney.

Recommendation 7 states:

That the NSW Government consider investing in a cultural precinct proposal for Western Sydney, such as a migration museum or cultural centre, to be identified during a community consultation process.

The Christian Democratic Party supports the provision of a high-quality educational museum located in that area, which will be accessible by public transport and to schoolchildren from the western suburbs. We oppose the attempts to undermine the project, and we support the project going ahead as rapidly as possible.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (12:54):** I speak on the amendment moved by the Hon. Wes Fang. At the end of the honourable member's speech, he mentioned my contribution on the amendment of the Hon. Scott Farlow. That contribution was about the lack of clarity in the section of the motion that contains the words "and final or current versions", which will create confusion and make things difficult in the short term. That is why I have suggested it should be removed.

**The Hon. Daniel Mookhey:** Point of order: The amendment moved by the Hon. Wes Fang was to alter the dates from seven days to 21 days. It had no effect whatsoever on what the Minister is currently describing.

**The Hon. DON HARWIN:** To the point of order: If the honourable member had waited just one more minute I was about to say why his amendment cures the problem that I raised earlier and was therefore completely relevant.

**The PRESIDENT:** There is no point of order. The Minister has the call.

**The Hon. DON HARWIN:** As I was saying, I had identified a problem with the motion which has also been picked up by the Hon. Scott Farlow. I am saying is that the amendment moved by the Hon. Wes Fang perhaps gives another option. If it is not minded to take out the words, as the Hon. Scott Farlow suggested, then we should consider the amendment of the Hon. Wes Fang and look to changing the date from seven days to 21 days. That would be a more appropriate way to go. I cite report No. 69 of October 2013 of the Privileges Committee of the Legislative Council entitled "The 2009 Mt Penny return to order." On page xv, the second recommendation is:

That members of the Legislative Council and the Clerk, in drafting orders for papers, adopt 21 days as the default period for returning documents to an order of the House, while allowing that there will be circumstances in which a much tighter timeframe is appropriate.

I suggest that the flexibility of 21 days is appropriate. Therefore, in concluding my remarks, I suggest that the Hon. Wes Fang's amendment should be supported if the Hon. Scott Farlow's amendment is not agreed to. Mr President, I note the time, and I suggest that you do now leave the chair and cause the bells to be rung at 2.30 p.m.

**Mr David Shoebridge:** Point of order: It is not yet 1:00 p.m., so it is out of order for the Leader of the Government to suggest that you do now leave the Chair.

**The Hon. DON HARWIN:** To the point of order: There is no requirement that we take lunch at 1:00 p.m. The Leader of the Government may suggest it earlier. I am making the suggestion simply because there are only two minutes till the traditional lunchtime of 1:00 p.m., and that is not enough time for a member to make a full contribution.

**The Hon. Daniel Mookhey:** To the point of order: The Leader of the Government said he did suggest it to the Chair, which means it is at the Chair's discretion as to whether the suggestion should be followed. It is the convention and practice that the Chair does not take that suggestion until 1:00 p.m.

**The PRESIDENT:** It is 55 seconds from 1:00 p.m., and I intend to exercise the discretion of the Chair. I will now leave the chair. The House will resume at 2.30 p.m.

#### *Visitors*

#### **VISITORS**

**The PRESIDENT:** I welcome to the public gallery Ms Jenny Metcalf, visiting from South Africa, guest of Minister Sarah Mitchell, and the Minister's private secretary Sally-Anne Gilliam. I welcome also to the gallery Mr Zac Wong of Muirfield High School, who is currently completing his work experience in the office of the Hon. Scott Farlow. I hope they all enjoy question time.

**The PRESIDENT:** Order! According to sessional order, proceedings are now interrupted for questions.

#### *Questions Without Notice*

#### **WATER COMPLIANCE AND ENFORCEMENT**

**The Hon. ADAM SEARLE (14:31):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. In light of yesterday's deferred answer in which the Minister revealed that WaterNSW submitted inaccurate water compliance figures to the Matthews inquiry, how can the community have any faith that the systemic issues within the Minister's department were dealt with through this inquiry?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:31):** I thank the member for his question. I seek some clarification because I am not sure that we talked about this matter yesterday.

**The Hon. Adam Searle:** Deferred answers.

**The Hon. NIALL BLAIR:** Obviously we have spoken about water compliance matters on numerous occasions in this House. It is important that we got on with the job. We are currently consulting in the market on the next phases of water reform to ensure that water compliance is adequately handled by the independent regulator this Government set up.

**Mr Jeremy Buckingham:** Or the Independent Commission Against Corruption.

**The PRESIDENT:** Order! I call Mr Jeremy Buckingham to order for the first time. I also remind the Hon. Penny Sharpe and the Hon. Daniel Mookhey that they are on one call to order.

**The Hon. NIALL BLAIR:** The Hon. Adam Searle was speaking about the compliance numbers provided to the Matthews inquiry. I am advised that Mr Matthews did not rely on those incorrect figures in

compiling either his interim or his final report. His recommendations are now being implemented, as I alluded to earlier in my answer, with the establishment of the Natural Resources Access Regulator. This will bring compliance solely under the control of one government agency, separate to the Department of Primary Industries and to WaterNSW. On page 16 of the Matthews interim report it states:

... the key ... Compliance Investigation Reporting and Management system ... took some time to become available from WaterNSW and use of the system was hindered by technical access issues.

That finding was handed down on 11 September. It is important to make sure that in New South Wales we have a system in which all stakeholders and the community have confidence. That is why we set up the Natural Resources Access Regulator. That is something to which that we committed. Initially when we had the Matthews report we put the legislation through this Parliament. We are now making sure that the independent regulator, chaired by Mr Craig Knowles, will have the resources to back up that legislative framework to give all the stakeholders confidence in the future. In relation to other changes in this area, we are currently consulting with all stakeholders. The results of that consultation, including the consultation on the draft bill, will be put before this House in the future.

### **MINING INDUSTRY JOB CREATION**

**The Hon. NATASHA MACLAREN-JONES (14:35):** My question is addressed to the Minister for Resources. Will the Minister update the House on how the New South Wales Government is supporting future jobs in our mining sector, and are there any alternative policies?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:35):** I thank the Hon. Natasha Maclaren-Jones for her question. It is well known that I am a proud supporter of the New South Wales minerals industry and the important role that it plays in the economic and social fabric of our State.

**The Hon. Greg Donnelly:** Prove it.

**The Hon. DON HARWIN:** I will. Last week I was delighted to announce that this Government has invested \$16 million as part of a national push to unlock new areas for mineral exploration.

**Mr Jeremy Buckingham:** Say it, say it—coal.

**The Hon. DON HARWIN:** I will get to you in a minute.

**The PRESIDENT:** Order! I remind the Minister of a ruling of then President Harwin in 2013, "It is out of order for a Minister to respond to interjections when answering a question." The Minister has the call.

**The Hon. DON HARWIN:** This will help to secure jobs for the future. Our contribution will go towards the \$215 million MinEx Cooperative Research Centre [CRC] project, which has the backing of the Commonwealth Government, 34 companies, Australian geological surveys, the CSIRO and leading universities. The MinEx CRC aims to deliver safer, more productive and more environmentally friendly drilling methods, as well as a better use of exploration data. I am delighted that the New South Wales Government is supporting such a strong collaboration between industry, researchers, government and the community. The member asked me about alternative policies. For a change, I thought we might look a bit further than the Opposition. I thought we might look at its punitive junior coalition partners, as Mr Jeremy Buckingham would have them.

**The Hon. Walt Secord:** It is not going to happen.

**The Hon. DON HARWIN:** I do not think it will happen in the short term either but for probably different reasons. It is timely to consider this whole issue while so much focus is on The Greens preselection. That has been no more obvious than today's complete betrayal of the process concerning private members' day. As we all know that preselection is a battle between the Left and the further Left. When we look at alternative policies we see two different approaches from The Greens. The first from the former councillor from the Bellevue Hill ward of Woollahra Council, Mr David Shoebridge, and his fellow Eastern Bloc comrade Senator Lee Rhiannon. They go down to the Illawarra and stand shoulder to shoulder with the workers at BlueScope steelworks. They claim that The Greens are standing up for their jobs. Perhaps that might be a believable position if it were not for what Mr Jeremy Buckingham is saying. On the member's website it says that he wants to close every coalmine in New South Wales.

This may come as news to The Greens, and I am delighted to advise them: Coal is an essential part of the steel manufacturing process. It is not surprising that there is some confusion on the part of The Greens. We cannot expect them to agree on resources policy when they cannot even agree on a leader. We cannot expect consistency when they cannot even agree on what it means to be green. One side wants to be members of a future Labor-Greens government and the other side, from the leafy climes of Bellevue Hill ward, wants to tear down the

bourgeoisie and capitalism. They are so dysfunctional that their own members even take them to the Supreme Court. [*Time expired.*]

#### WATER COMPLIANCE AND ENFORCEMENT

**The Hon. WALT SECORD (14:40):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given that he and his department misled the Chamber, the NSW Ombudsman and, as revealed in deferred answers published yesterday, the Matthews inquiry, does the Minister still stand by the Matthews inquiry?

**The Hon. Dr Peter Phelps:** Do you still stand by Michael Daley?

**The PRESIDENT:** Order! I call the Hon. Dr Peter Phelps to order for the first time.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:41):** I thank the member for his question. Yes I do stand by the Matthews inquiry and I stand by the work that Mr Ken Matthews did. I have not seen anything or heard any suggestion by anyone that Mr Matthews and the reports he provided were under any sort of question. As I clearly outlined in my previous answer, Mr Matthews did not rely upon that exact figure to compile his report or to compile the recommendations that the Government has implemented. In the recommendations in his report Mr Matthews was not standing up for the current system. He did not find at the time of his report that the current system should be continued; quite the contrary. He recommended in his report that an independent regulator be set up, and that is what we have done—that was the legislation that we brought to this House and it was debated, off the back of Mr Matthews' report. The rest of Mr Matthews' recommendations are now out for public consultation.

It is one thing for the member to question other parts of my agencies and their professionalism, but he is now straying into other areas and questioning Ken Matthews and his report. Mr Matthews provided a number of recommendations and the Government has accepted those recommendations. The Government has acted on those recommendations and is getting on with restoring the confidence of the public and all the stakeholders in New South Wales, off the back of Mr Matthews' recommendations in his report. On the issue of compliance, we have had a discussion in this House in relation to the figures that were provided by WaterNSW to the Ombudsman—not to Mr Matthews. We have had many questions on this issue and many motions have been moved in this House.

This has been debated over and over again. But not once during any of those debates was Mr Matthews or his report ever condemned by anyone. In fact, even commentators have referred to Mr Matthews' work and the Government's response as something that, in some cases, they were surprised about. I am sure the sceptics thought it was going to be a whitewash of the Government when those allegations were aired on *Four Corners*. But that is not what has happened. We asked Ken Matthews—a man of integrity, a man with a strong track record and career—to come into New South Wales to conduct an independent investigation and to report on the allegations that were made regarding water. He did that in a timely manner, with integrity and without fear or favour, and he provided recommendations to the Government.

**The Hon. Walt Secord:** Point of order: The Minister is misrepresenting what I asked. I was referring to the incorrect compliance figures provided by him and his department, not the integrity of Mr Matthews.

**The PRESIDENT:** Order! There is no point of order.

**The Hon. NIAL BLAIR:** The member backtracks now when he clearly asked whether I stood by Ken Matthews' report. I stand by it and I stand by him. His name is on the title of the report; he is a man of integrity; he has provided recommendations and we are implementing them.

#### ASSET ENERGY PTY LIMITED SEISMIC TESTING

**Mr JUSTIN FIELD (14:45):** My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council, representing the Minister for the Environment. This weekend, seismic testing for offshore gas is scheduled to begin off the coast of Newcastle. Asset Energy's approval has restricted testing after 30 May to prevent it coinciding with the official start of the annual whale migration. Last week, whales were identified on the New South Wales South Coast, heading north, raising the prospect that migrating whales will be present during the seismic testing. Has the Government informed the National Offshore Petroleum Safety and Environmental Management Authority [NOPSEMA] of the early whale migration movements, and what action will the Government take to ensure Asset Energy complies with the conditions set by NOPSEMA to ensure cetaceans are not impacted by the air-gun blasts of the seismic testing?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:46):** The questions the member has asked are directed to me in my capacity, and in my capacity

representing the Minister for the Environment. The matter that Mr Justin Field refers to is PEP 11, which is a permit to undertake gas exploration activities in ocean waters in the offshore Sydney Basin in Commonwealth waters. In June 2014, Advent Energy released a stakeholder consultation document proposing an unrealised 3D survey in an area about 30 kilometres south of Newcastle and 70 kilometres north-east of Sydney, between November 2014 and April 2015.

In April 2017, Asset Energy revised the proposal to a 2D survey in a reduced area of about 13 square kilometres in the same approximate location, with a single tie line about 50 kilometres north-east to the New Seaclem-1 exploration well site. The Commonwealth regulator, the National Offshore Petroleum Safety and Environmental Management Authority [NOPSEMA] has approved an environmental plan to allow the 2D survey to be undertaken. The duration of the survey is estimated to be between three and four days within an operational area of about 460 square kilometres, including turning lines.

To assist preparing the environmental plan for approval, the proponent has carried out targeted consultation with stakeholders, including the NSW Department of Primary Industries, the Professional Fishermen's Association of NSW, key recreational and commercial fishing stakeholders, and representatives from the Newcastle Commercial Fishermen's Co-operative. The NSW Department of Primary Industries made detailed submissions to each proposal, including information regarding the fishing activities in and around the test area and a summary of available research undertaken on the effects of seismic testing on fish. Available scientific information suggests that there could be disturbances and impact on the marine environment.

It is clear that the Department of Primary Industries and the Hon. Niall Blair are also concerned about this project. As I informed the House yesterday and on a number of occasions previously, I am against seismic testing per se in offshore Commonwealth waters because I do not think that the Commonwealth regime for offshore gas exploration is as good as the regime that we have for drilling of gas onshore under the NSW Gas Plan. As I previously told the House, there was a lot of concern in the States when the previous Government was in office because of the way Labor handled the whole issue of unconventional gas licences, which we had to clean up, and we have. There is now much more confidence in onshore gas exploration in the State. We now have a strategic release plan and we are proceeding with the preliminary regional impact assessment of possible conventional gas deposits in the Far West of New South Wales. [*Time expired.*]

#### REGIONAL WATER SECURITY

**The Hon. TREVOR KHAN (14:50):** My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister advise the House on how the New South Wales Government is improving the security of our regional water?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:51):** I thank the honourable for his question. The Government has moved to address the various investigations into water management through its Water Reform Action Plan. These reforms are all about ensuring that we have equitable and transparent water management in New South Wales, guided by four key objectives, including best practice water management in New South Wales, building a reliable compliance and enforcement regime, transparent water sharing and allocation frameworks, and enhancing the capacity of New South Wales water governance arrangements.

Consulting with communities is key to these reforms and with our roadshow almost complete the Government will bring legislation back to the Parliament to implement the feedback received. Another exciting part of the reform is the Water Pilot Technology Program. This program will develop new technologies to assist with water regulation and enhanced compliance. The new technologies the Government is striving for are innovative and user friendly to help better monitor and protect our precious river systems and the environment. The New South Wales Government is providing grants through the Water Pilot Technology Program to develop technological solutions to deliver greater certainty in monitoring and compliance of water use.

Advances in technologies for monitoring water take will be important in ensuring equitable and proper access to water by users while protecting the health and sustainability of our rivers and regions for the benefit of all users. A grant pool of \$500,000 has been established and up to \$150,000 will be awarded to each successful applicant. The program opened in late March and applications can be lodged up to 9.00 a.m. on Monday 23 April 2018. We all know that government is not the only source of good ideas; I encourage the private and university sectors to contribute their innovative ideas in this area. I want the program to unearth innovative approaches to water monitoring, compliance and enforcement. That is what this Government does. It delivers on the Government's commitment to the triple bottom line for New South Wales. Those opposite will use any excuse to sell out our regional communities to help their mates in South Australia, Canberra or where ever else they choose to play politics. Government members back our communities and our rivers. We support people—

**The PRESIDENT:** Stop the clock. The Minister will resume his seat. I call Mr Jeremy Buckingham to order for the second time for his seventh or eighth interjection. I call the Hon. John Graham to order for the first time. The Minister has the call.

**The Hon. NIALL BLAIR:** We support people who put the food on the nation's table and the clothes on the world's back. We will continue to work with regional communities to ensure that New South Wales has the best systems in place for water management from now into the future. The silence of those opposite on important issues such as the Murray Darling Basin Plan says it all. Those opposite have no understanding of, or interest in, the water security needs of our food and fibre producers. They sat by while Federal Labor and The Greens trashed the basin plan in the Senate earlier this year. But while they sell out New South Wales communities, the Government is getting on with the job of ensuring the ongoing health and welfare of primary producers, communities and the environment through these water reforms and by standing up for New South Wales to get the best deal we can from the basin plan. That is what the people of New South Wales expect. Members opposite crow about this but the proof is in the pudding. They were willing to trash for political purposes a plan that has the one way forward on water management in this country. [*Time expired.*]

### HOMESCHOOLING

**The Hon. PAUL GREEN (14:55):** My question without notice is directed to the Minister for Early Childhood Education, representing the Minister for Education. Recently a boy was not allowed to enrol in a homeschool because he was under the age of six years, despite being allowed to enrol in a mainstream school setting. This decision has since been overturned, but there remains no policy for a minimum age for registration for school. Will the Minister report to the House when we can expect a policy setting for the minimum age for registration for school?

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:56):** I thank the honourable member for his question. I note that he clearly has an interest in homeschool. He was involved in a committee inquiry into that matter—indeed, he was the chair of the committee—so it is a topic he takes very seriously. Given the question was asked of me representing the Minister for Education, I will take the question on notice and come back to the member with an answer as soon as I can.

### URBAN GREEN SPACE

**The Hon. PENNY SHARPE (14:56):** My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. In light of the announcement of the Government's green space policy, what is the Minister's response to local residents of Constitution Hill who have called for Caloola Road Reserve to be permanently protected as a green space and saved from Sydney Water's current plans to sell it?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:57):** I thank the Hon. Penny Sharpe for her question. It gives me the opportunity to say how proud I am of Sydney Water and everything it is doing right now with green space. For example, Sydney Water at Powells Creek, Concord West, is doing a spectacular job in taking what was a degraded space that many years ago had been converted into a concrete—

**The Hon. Penny Sharpe:** Point of order: My point of order is relevance. This question is very specific; it is about Caloola Road Reserve. There is some history in this place in relation to the matter. Hopefully now I have given the Minister time he can be relevant and give me an answer.

**The PRESIDENT:** Order! The Hon. Penny Sharpe has every right to take a point of order on relevance. I may have upheld her point of order. However, it is not for a member to take a point of order and then, in effect, make a ruling and then, in effect, direct the Minister as to what he should do next. I no longer uphold the point of order. The Minister has the call. I call the Hon. Trevor Khan to order for the first time.

**The Hon. DON HARWIN:** With Powells Creek there is a concrete stormwater channel that has now been ripped out. The creek has been renaturalised.

**The Hon. Penny Sharpe:** Point of order: My point of order is relevance. The Minister's answer is nowhere close to being generally relevant around Constitution Hill and Caloola Road Reserve.

**The Hon. Niall Blair:** To the point of order: Mr President—

**The PRESIDENT:** I ask the Hon. Penny Sharpe for a copy of her question.

**The Hon. Niall Blair:** The Hon. Penny Sharpe clearly referred to green space in her question. The question is in relation to Sydney Water. The Minister is being generally relevant to green space areas within the Sydney Water network.

**The PRESIDENT:** The beginning of the question clearly states, "In light of the announcement of the Government's green space policy ...". The Minister was being generally relevant. There is no point of order.

**The Hon. DON HARWIN:** I was talking about the contribution that Sydney Water is making to greenspace. That was the point of my remarks. I am proud of what has been done at Powells Creek with the naturalisation of almost a kilometre of what were stormwater drains, returning it to its natural state and putting in 40,000 plants on that site. It is extraordinary. It is great. It is not the first time Sydney Water has done this. There are other examples. The Hon. Penny Sharpe asked about Caloola Road Reserve, Constitution Hill. Sydney Water is reviewing its operational requirements for Caloola Road Reserve to ensure it continues to meet the needs of the growing Parramatta community both now and into the future.

Sydney Water's first priority is to ensure the reservoir remains in a safe and reliable condition. This includes regular maintenance of the reservoir and the adjacent area used by the community. Once Sydney Water has reviewed its operational requirements for the site it will work with the council, work with residents and work with other stakeholders to develop its plans for that precinct. Until a decision has been made on the future of the site Sydney Water will continue to keep the park open and in good condition for community use. That is entirely consistent with the attitude Sydney Water is taking on a wide range of fronts. Powells Creek is not the first and it definitely will not be the last. It is an area of great interest to me and there is potential for repeating the exercise.

Sydney Water as an organisation is conscious of the need to have an approach to, in particular, the Western Sydney Basin, which is consistent with the Government's recently announced Metropolitan Greenspace Program. The Government is committed to improving regional open space across greater Sydney with this program. It is co-funding projects with councils to deliver improved access and increased amenity to the community through open spaces, parks, bushland, natural areas, waterway corridors and tree lined streetscapes. The Metropolitan Greenspace Program is part of the Government's contribution to deliver the green grid network that connects our homes to centres, public transport, jobs and recreation. [*Time expired.*]

**The Hon. PENNY SHARPE (15:02):** I ask a supplementary question. Will the Minister elucidate upon his answer in relation to the plans for Caloola Road Reserve and confirm that Sydney Water is going through the process of making it surplus to operations and preparing it for sale?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:03):** I believe I covered that in my previous answer.

#### EARLY CHILDHOOD EDUCATION

**The Hon. SHAYNE MALLARD (15:03):** I address my question to the Minister for Early Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the New South Wales Government is working to ensure safety and quality in early childhood education?

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:03):** I thank the honourable member for his question. The National Quality Framework provides a strong regulatory system promoting compliance and continuous quality improvement in the early childhood education and care sector. The National Quality Framework includes the National Law and National Regulations, the National Quality Standard, the assessment and quality rating process, and approved learning frameworks.

As we know, quality early childhood education matters. International and Australian research demonstrates that children experience benefits from participation in quality early childhood education and care. On 1 October 2017 the Government's changes to the National Quality Framework came into effect. Those changes include service approvals required in each jurisdiction where educators operate and a mandatory minimum coordinator to educator ratio to ensure educators have adequate support—that is, 1:15 for the first 12 months of operation and at any other time at the discretion of the regulatory authority or 1:25 after the first 12 months of operation subject to the discretion of the regulatory authority.

On 14 March 2018 the department wrote to 116 existing family day care services without an educator cap to propose a suitable maximum number of educators for their service. The basis of the proposed maximum numbers were the result of a risk assessment that took into account a service's compliance history, their latest quality rating and information obtained from the Commonwealth Department of Education and Training. Services were given an opportunity to propose a different cap. The department required detailed evidence demonstrating their ability to support any additional educators and/or coordinator ratios requested. It is important to note that

there is a transitional period until 1 October 2018 to allow services to implement these changes. As with all other conditions on service and provider approvals, these conditions may be amended at any time or at the request of the service if there is a change in their risk profile.

These changes are designed to ensure that education and care continues to improve in the most efficient and effective way. The changes strengthen regulatory requirements, providing greater safety for children by clarifying guidance around child protection, supervision and safe sleeping practices—because there is nothing more important than the safety of our children. Authorised officers have been given greater powers to improve oversight and compliance in the family day care sector. Officers now have the power to enter a family day care residence to investigate the service if they reasonably believe that an approved service is operating at the residence at the time of entry, or the register of family day care educators indicates that the service is operating at the residence at the time of entry.

Family day care is an important part of the early childhood sector and most operators do the right thing. These changes will support genuine, quality family day care providers and assist in removing unscrupulous operators from the system. On 1 February 2018 a further change came into effect with the implementation of a revised National Quality Standard. The standard has been simplified from 18 standards and 58 elements to 15 standards and 40 elements. The revised standard also uses clearer and simpler language. This is expected to improve service compliance with the assessment and ratings process. Led by the Liberal-Nationals Government, our staff are hard at work implementing the National Quality Framework.

In New South Wales 96.4 per cent of all services have been rated, which is the highest of any jurisdiction. This is especially impressive given that there are around 5,500 services in the State, equating to one third of all services in the country. The system promotes transparency and accountability as well as increased professionalism of services. It will help parents make more informed decisions about education and care for their children. The Government is committed to helping families and ensuring quality access to early childhood education for our young learners. [*Time expired*]

#### **SYDNEY CBD LIGHT RAIL PROJECT**

**Reverend the Hon. FRED NILE (15:07):** I direct my question to the Hon. Don Harwin, representing the Minister for Transport and Infrastructure, the Hon. Andrew Constance. Will the Minister update the House on how much New South Wales taxpayers' money has been spent to compensate or subsidise Sydney businesses due to the continued construction on the roads in the Sydney central business district because of the light rail construction? What is the Government's projected future expense for this compensation to local businesses? How many businesses have been affected by the construction? Does the Minister expect that number to increase from 2018 to 2019? Is it a fact that 51 retailers have already applied for financial compensation?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:08):** I thank Reverend the Hon. Fred Nile for his question. I am in a position to provide information on the matters he raised in his question. The Government is in the great position of being able to have these projects go ahead. Everyone recognises the impacts need to be managed. That is exactly what Transport for NSW is doing. Right now up to 10,000 people are walking down George Street in the afternoon peak hour. That number has increased since buses were removed from George Street for light rail construction. In the central business district [CBD] more than \$16 billion of private investment is in the pipeline.

**The Hon. Niall Blair:** Point of order: Reverend the Hon. Fred Nile has asked a question and the Minister is doing what every member of this House expects—he is courteously providing a detailed response to the question. I am sitting next to him and I cannot hear the content of his answer because of the interjections that are coming from across the Chamber. They are disorderly and they are distracting not only members of the House but also for Hansard.

**The PRESIDENT:** Order! I uphold the point of order. I call the Hon. Daniel Mookhey to order for the second time. I call the Hon. Shaoquett Moselmane to order for the first time.

**The Hon. DON HARWIN:** Many businesses are experiencing the cumulative impacts of public and private developments, especially in areas such as Wynyard and Circular Quay. Part of this cumulative benefit is the flow of new businesses opening up or redeveloping along George Street to position themselves for the future of the CBD. ALTRAC light rail has started paving and will reduce hoardings or barriers and open up sections where possible and safe to do so. Transport for NSW has rolled out a business activation program in key locations along the light rail corridor and has installed business signage to help customers continue to access shops and services during the Sydney Light Rail construction period.

We continue to keep the community and stakeholders up to date with the latest construction information and continue to work with businesses to mitigate construction impacts. With any major construction there is



short-term disruption. However, we are building a \$2.1 billion infrastructure project that will significantly benefit the CBD, including businesses along the alignment. Consultation is an important factor in the South East Light Rail project and extensive consultation has occurred with the community, businesses and residents. Transport for NSW has worked hard to maintain foot traffic and vibrancy around the construction areas and to send—

**The Hon. Adam Searle:** Even you do not believe it, Don; you had to take a deep breath.

**The Hon. DON HARWIN:** Mr President, it is difficult to give Reverend the Hon. Fred Nile an answer when members are interjecting. Transport for NSW has worked hard to maintain foot traffic and vibrancy around the construction areas and to send a strong message—

**The Hon. Scott Farlow:** Point of order: My point of order follows the one made earlier by the Deputy Leader of the Government. The Minister is trying to give Reverend the Hon. Fred Nile a complete answer to his question. He is interested in hearing the answer to the question, but he cannot because members opposite are interjecting. I ask that you call Opposition members to order.

**The PRESIDENT:** Order! I uphold the point of order. I call the Hon. Courtney Houssos to order for the first time.

**The Hon. DON HARWIN:** We doorknocked to check on businesses to ensure that they have the information on construction activities and delivered business signage and directories along the route. The Business Assistance Program will be available for the duration of the construction period. ALTRAC will maintain its obligation to provide alternative accommodation after two consecutive nights of high-intensity work. Transport for NSW is proposing an additional respite accommodation program that is designed to go above and beyond ALTRAC's obligation. Additional alternative accommodation will be offered when intensive out-of-hours works programs are identified and will also be considered when particular circumstances are identified around affected residents. A case-by-case assessment will complement what is already being offered to residents and will include a review against the intensity of proposed works in the respective zone.

Transport for NSW is working with the New South Wales Department of Planning and Environment to progress the program and representatives from the department started speaking with affected residents in November 2017. That is information relevant to the residents. Most of the financial questions require some assistance and further elaboration by my colleague. I will refer the question to the Minister for Transport to ensure Reverend the Hon. Fred Nile's concerns are dealt with. [*Time expired.*]

#### HERBICIDE SPRAY DRIFT

**The Hon. JOHN GRAHAM (15:14):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given that the environment Minister has now confirmed that no environment portfolio agency has investigated the widely reported December 2017 herbicide spray drift and the alleged significant crop and vegetation damage in the Walgett Shire and beyond, what actions have been taken by the Minister's agencies to investigate this serious breach?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:14):** I thank the member for his question and welcome his expanded interest in primary industries, particularly in the Walgett area.

**The Hon. Don Harwin:** Point of order: The Deputy Leader of the Government is trying to give an answer to the Hon. John Graham, but Opposition members are making it very difficult for him to hear the answer being given.

**The Hon. Walt Secord:** To the point of order: To assist, in fact all the comments are coming from behind the Deputy Leader of the Government.

**The PRESIDENT:** Order! The interjections and comments were coming equally from Government members and Opposition members. I remind members that interjections are disorderly at all times. I will call members to order if they continue to interject. The Minister has the call.

**The Hon. NIALL BLAIR:** Unfortunately, spray drift occurs in different parts of the State from time to time. I cannot remember the dates that the Hon. John Graham referred to in his question, but I may have some information that may be relevant to the same event he is referring to. It was officially reported to peak industry body Cotton Australia that 5,000 of 30,000 hectares of cotton were affected. Much of this crop that was reported as being affected by off-target spray drift on 25 December 2017 was in the Walgett region. In response, the Walgett Cotton Growers' Association organised an emergency meeting to address the issue. Cotton is a highly sensitive crop to Group 1 phenoxy herbicides—in particular, 2,4-D—which is commonly used in weed control in summer fallows.

In New South Wales the Environment Protection Agency [EPA] regulates the proper use of pesticides through the provisions of the Pesticides Act 1999. As such, all pesticide complaints and issues are the responsibility of the EPA. Farmers in New South Wales are required by law under the provisions of the Pesticides Act 1999 to manage spray drift to prevent airborne movement of pesticides on to non-target areas, including neighbouring properties. The successful management of spray drift requires the adoption of a range of complementary strategies including identification of sensitive areas, establishment of buffer zones, appropriate property planning and the establishment of effective communication with neighbours.

Research by the NSW Department of Primary Industries—Biosecurity, in partnership with the Cotton Research and Development Corporation, has demonstrated that exposure to as little as 1 per cent of the commercial rates of the phenoxy herbicides such as 2,4-D Amine can have a devastating impact on young cotton crops. The research has also shown that timing of the spray drift and concentration of the chemical is critical to young plants and high rates inflict much greater damage. NSW Department of Primary Industries, under AgSkilled vocational training for the cotton and grains industry, in partnership with Cotton Australia and the Grains Research and Development Corporation, has been running advanced chemical spray application training to educate spray applicators on improving spray applications to reduce the impact of off-target spray drift. Since the program commenced in September 2017 four courses have been held and 37 spray applicators have attended. A further 18 courses will be run in 2018 and 18 to 20 attendees on average are registered at each of those courses.

The New South Wales Department of Primary Industries urges all spray contractors to attend the AgSkilled training and to use resources available to ensure the risk of off-target spray drift is appropriately managed. Cotton Australia, in partnership with key stakeholders, has a range of resources to help protect Australia's cotton from the effects of herbicide spray drift. This includes the online cotton map that identifies cotton paddocks so that spray applicators can identify nearby cotton crops and manage spray accordingly. I have more information that I do not have time to give. The Environment Protection Authority conducts the investigation and is the regulator. We are educating and trying to take preventative measures as much as possible. *[Time expired]*

#### ELECTRICITY SUPPLY

**The Hon. BEN FRANKLIN (15:20):** My question is addressed to the Minister for Energy and Utilities. Will the Minister please update the House on how New South Wales is positioned to meet electricity demand over the coming year?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:20):** The New South Wales Summer Readiness Action Plan delivered positive results for the summer. We kept the lights on. We had more than enough supply to meet our peak demand event on 14 February. In fact, New South Wales had adequate generation capacity throughout the summer. This proves the reliability of our generation capacity and our mix of technologies which provides such a resilient and secure system to us. Our generation fleet includes 10,800 megawatts from coal, 2,400 megawatts from gas and oil and 7,600 megawatts from renewables.

Let us not forget that New South Wales not only had enough power to keep the lights on this summer but also had to prop up its southern neighbours. The Murray Hydroelectric Power Station and New South Wales generators supplied between 10 and 20 per cent of Victorian demand on the nine highest demand days of the summer in that State. We had a successful summer readiness action plan and the New South Wales Government is continuing to take decisive action to ensure the security of energy supply in New South Wales. Looking forward, the most recent Electricity Statement of Opportunities report issued last year shows that New South Wales is in a good position to meet the demand over the next 10 years. Just as we were ready for last summer, we are ready for the coming year.

As I have told the House on many occasions, we have a huge pipeline of projects across a range of technologies, which we discussed only yesterday. We have 13 wind and solar farms under construction across New South Wales totalling 1,300 megawatts of capacity. Nine of those projects are expected to be operational by the end of the year. We have kept the lights on, and will continue to. This approach is working. The alternative approach championed by the Opposition is to have no particular plan other than an expensive taxpayer-funded battery that would have done nothing this summer but gather dust. The Opposition has no policies to keep the lights on, no plans to encourage investment in new energy sources, and absolutely no idea when it comes to the energy market. Worst of all, the Opposition wants to re-regulate the market, even though consumers are consistently worse off with regulated prices.

Labor would also rip away funding from regional New South Wales from the sale of Snowy Hydro. It has not matched us. What does the Opposition want to do? It wants to interfere in the energy market and use taxpayer money to invest in renewables where private operators are already investing. A huge pipeline of projects is not the work of government intervention but of a free market. Labor is only interested in stifling investment and

interfering with private enterprise. Those opposite do not have sensible policies other than just thought bubbles from the Leader of the Opposition in the other place. Labor claims to stand up for workers but every policy it announces will hit the back pocket of every worker in New South Wales. Our Government will continue to see affordable, reliable and clean energy supplied to the people of New South Wales. Our energy supply is not safe in the hands of the Labor Party.

#### ANIMAL WELFARE

**The Hon. MARK PEARSON (15:24):** I direct my question to the Minister for Primary Industries, the Hon. Niall Blair. On Easter Monday a truck carrying approximately 108,000 live day-old chicks overturned on Burley Griffin Way near Yass. After the incident Yass Valley Council workers were called out to the scene to clean up the debris and to deal with the chicks. I understand industry representatives were present as well. Did the Minister's department at any time advise those involved in the clean up on the proper biosecurity and animal welfare protocols? Will the Minister confirm reports on the ABC news bulletin website of chicks being found buried alive at the accident site after the clean up?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:24):** I am aware that early in the morning on 2 April 2018 a truck transporting more than 100,000 day-old chicks left the road and rolled six metres down an embankment on Burley Griffin Way at Bowning near Goondah Road. Yass police contacted a Local Land Services veterinarian; however, they were not required to attend at the time of the incident. Euthanasia was carried out by a private company and the chicks were buried on site. I understand Yass Valley Council provided seven council staff who worked tirelessly throughout the night to save almost 80,000 birds. These chicks were then safely transported to Griffith using another truck.

A complaint has appeared online that there were still some live chicks on site. The private company sent out a team to investigate. Following this, a Local Land Services veterinarian and biosecurity officer inspected the site on 4 April and concluded the clean-up had been effective. I understand Vegan ACT published its vision of remaining chicks after the accident and I have since been informed of its commentary in the local media. I note that it did not report its findings to RSPCA at the time, and it should be condemned for that. If Vegan ACT saw a site on which they believed were animal welfare issues it should have reported it. Since then my department has reported the case. Those who attended and took the footage did not report it but my department referred the matter to the RSPCA for investigation when it became aware of the footage and the media reports.

We take animal welfare issues seriously on this side of the House. We do not look at animal welfare issues for a media hit or to grandstand. The question that should be asked is: What did Vegan ACT do about it when it became aware of it? In this case my department reported it, not those who attended the site, took footage and handed it on to media outlets. Vegan ACT should be condemned for that. We have reported it to the RSPCA and it is carrying out investigations.

**The Hon. MARK PEARSON (15:28):** I ask a supplementary question. Will the Minister elucidate his answer as to why the Local Land Services veterinarian was not initially called to the scene to assist with the assessment of the animals?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:28):** Yass Police contacted the Local Land Services veterinarian; however, they were told they were not required to attend the incident at the time, I believe, by the police.

#### MURRAY-DARLING DEGRADATION

**The Hon. DANIEL MOOKHEY (15:28):** I direct my question to the Minister for Primary Industries, Minister for Regional Water, and the Minister for Trade and Industry. In light of a recent Murray Darling Basin Authority [MDBA] report into the Government's proposal to drain parts of the Menindee Lakes declaring that it could lead to the loss of 8,000 hectares of fish nurseries which stock the entire Murray-Darling system, lead to potential water degradation and the drying out of 15,000 hectares of Lake Menindee, what advice is the Government providing to the tourism industry and local fishers who believe the Government has left them behind?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:29):** The Menindee Lakes water savings project is a once-in-a-lifetime opportunity to upgrade the decades-old infrastructure and configuration of the lakes in order to deliver real benefits for the community and the environment. It is estimated to contribute 100 gigalitres—that is, 100 billion litres—each year to the environment. It is unfortunate that some public commentary has peddled misinformation and fear about the project, which is in its early stages. Water savings from the project will not be reallocated to irrigators in New South Wales or anywhere else in the Murray-Darling Basin. They will go to the environment.

The New South Wales Government is not decommissioning the Menindee Lakes system as the critical water storages are vital to the environment and the tourism sector. We will not press ahead on this project without in-depth consultation and rigorous environmental assessments. We are continuing to work with other States and the Commonwealth to finalise the proposal in response to the Murray-Darling Basin Authority's assessment. As I said earlier, the project is in its early stages. There will be a lot more information to consult stakeholders on in the future.

**The Hon. DANIEL MOOKHEY (15:31):** I ask a supplementary question. The Minister said that he is working to finalise the Government's proposal. Will he elucidate his answer by telling us what the time line is and when he expects it to be completed?

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:31):** The time line will be worked out once we know the next stages of the proposal and get more feedback from the Murray-Darling Basin Authority. The project also involves other States. Time lines have been knocked around because of the politics that have been played over the Murray-Darling Basin Plan. If the Hon. Daniel Mookhey is worried about time lines, he should ask his mates in Canberra.

**The Hon. DON HARWIN:** The time for questions has expired. If members have further questions I suggest they place them on notice.

#### *Deferred Answers*

#### **MEDICAL CANNABIS**

In reply to **Reverend the Hon. FRED NILE** (8 March 2018).

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry)**—The Minister provided the following response:

Currently, only one product has been fully assessed for safety, quality and efficacy and is registered on the Australian Register of Therapeutic Goods (Sativex®).

Risks of diversion of cannabis medicines into non-medical use are mitigated through classification as Schedule 8 drugs.

Products being used in New South Wales are predominantly from Canada and the United Kingdom. Only a small number of manufacturers are currently licensed in Australia.

Prescribing doctors have to seek authorisation on a case by case basis, or may seek authorisation for a class of patients. This approach balances the need to ensure patient safety whilst allowing patients to access medicinal cannabis products where it is considered to be suitable.

#### **ABORIGINAL FINANCIAL SUPPORT**

In reply to **Mr DAVID SHOEBRIDGE** (8 March 2018).

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education)**—The Minister provided the following response:

I am aware that Sorry Business for Aboriginal people happens too often, leaving a financial burden for their families and communities. However, there are initiatives for Aboriginal people in New South Wales that offer assistance with funeral planning and costs.

The NSW Aboriginal Land Council's Funeral Assistance Fund allows any Aboriginal person in New South Wales to apply for a grant of \$1000 to assist with funeral costs. The scheme is uncapped and responds to demand for funeral assistance. According to the NSW Aboriginal Land Council's Annual Report 2016-17, 432 grants were made in that financial year to assist Aboriginal families with funeral costs.

Transport for NSW has an Aboriginal Funeral Transport program which covers transport costs for Aboriginal people attending funerals.

The NSW Trustee and Guardian has Planning Ahead resources (an *Aboriginal Wills Handbook* and companion guide *Taking Care of Business*) for Aboriginal people, including advice on planning for funerals. There are also consumer protection guides for Aboriginal people on the benefits and risks of using financial products such as funeral funds.

#### **NURSES AND MIDWIVES AWARD NEGOTIATIONS**

In reply to **the Hon. ROBERT BORSACK** (8 March 2018).

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry)**—The Minister provided the following response:

NSW Health will conduct negotiations in good faith and in accordance with approved bargaining parameters provided by Wages Policy Taskforce or the Cabinet Standing Committee on Expenditure Review.

I am advised that there are no plans by the Ministry of Health to remove or reduce penalty rates for nurses and midwives covered by the Public Health System Nurses' and Midwives' (State) Award in the forthcoming negotiations.

*Rulings*

**UNPARLIAMENTARY LANGUAGE**

**The PRESIDENT (15:32):** During the giving of notices today Dr Mehreen Faruqi gave a notice on the issue of the deregistering of vehicles with offensive and misogynistic slogans. Having now had the full notice brought to my attention, I am concerned about a quote that the member has included in the notice which contains an offensive and obscene phrase. I understand the member's intention in providing the quote was to illustrate the point made in her notice about offensive slogans. However, the language used is clearly unparliamentary and beyond the bounds of good taste. Consistent with previous rulings, I have instructed the Clerk to amend the notice when it appears on the *Notice Paper*.

*Documents*

**INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Reports**

**The PRESIDENT:** According to the Independent Commission Against Corruption Act 1988, I table the following reports of the Inspector of the Independent Commission Against Corruption:

- (1) Report and Supplementary Report concerning a complaint by Mr John Atkinson about the conduct of the Independent Commission Against Corruption in Operation Jasper.
- (2) Report concerning a complaint by Mr Jeffrey McCloy about the conduct of the Independent Commission Against Corruption in Operation Spicer.

Under the Act, the reports have been authorised to be made public.

**The Hon. DON HARWIN:** I move:

That the reports be printed.

**Motion agreed to.**

**SMALL BUSINESS COMMISSIONER**

**Reports**

**The PRESIDENT:** According to the Small Business Commissioner Act 2013, I table the annual report of the Small Business Commissioner for the year ended 31 December 2017, and authorise the report to be made public this day.

**The Hon. DON HARWIN:** I move:

That the report be printed.

**Motion agreed to.**

**CHILD DEATH REVIEW TEAM**

**Reports**

**The PRESIDENT:** According to the Community Services (Complaints, Reviews and Monitoring) Act 1993, I table the report of the Child Death Review Team entitled "Spatial analysis of child deaths in New South Wales", and authorise the report to be made public this day.

**The Hon. DON HARWIN:** I move:

That the report be printed.

**Motion agreed to.**

**POWERHOUSE MUSEUM RELOCATION**

**Production of Documents: Order**

**Debate resumed from an earlier hour.**

**The Hon. MARK PEARSON (15:35):** I move:

That the motion be amended by:

- (1) Omitting "seven days" and inserting instead "14 days".

(2) Omitting "or current versions of the" in paragraph (a).

**The Hon. CATHERINE CUSACK (15:36):** This motion by The Greens is being supported by people who are opposed to relocating the Powerhouse Museum to Western Sydney. I will direct my remarks to the motives behind the call for papers that seeks information to smear the Government's case to relocate Powerhouse Museum from the central business district to Parramatta. I will explain why the people of Western Sydney deserve the opportunity to have a first-class, iconic cultural institution. Last year was the seventy-fifth anniversary of Robert Menzies' famous Forgotten People speech in which he pledged that the best efforts of the Liberal Party would be in the service of those good citizens who had fallen off the radar. Menzies described them as the "forgotten people" and said:

They are for the most part unorganised and unself-conscious. They are envied by those whose benefits are largely obtained by taxing them. They are not rich enough to have individual power. They are taken for granted by each political party in turn.

**The Hon. Penny Sharpe:** Point of order: I have taken points of order on relevance several times during this debate. The motion relates to a call for papers. The member is well outside being relevant to the motion.

**The Hon. CATHERINE CUSACK:** To the point of order: I am seeking to characterise the people of Western Sydney as the forgotten people who deserve access to this facility. This call for papers is quite deliberately seeking to undermine that access and will be used to try to somehow sabotage the transfer of the facility. That is why it is important to talk about the people who will benefit from its relocation. Given that efforts to undermine the relocation are driving the motion, it is essential that I be allowed to talk about it.

**The Hon. Adam Searle:** To the point of order: The motion calls for papers. The honourable member's explanation about why she is seeking to make these comments only reinforces the Hon. Penny Sharpe's point of order. The member is not being relevant to the call for papers.

**The Hon. Natasha Maclaren-Jones:** To the point of order: I reiterate that earlier today wide latitude was given on some of the contributions to this debate. I suggest that the member is being generally relevant.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I did not hear what the Hon. Catherine Cusack said. The Hon. Walt Secord had approached me to advise of a certain course of action and I was busily looking at the standing orders. In this debate members have been given a fairly wide latitude. That will continue but I remind members that the motion before the House concerns a call for papers.

**The Hon. CATHERINE CUSACK:** In 1942 when Sir Robert Menzies spoke about the "forgotten people", Parramatta and Western Sydney as we know it today did not exist. Western Sydney has been transformed. It now has a population of two million Australians, it is the third-largest economy in the nation and boasts more than 240,000 local businesses. The people in the area epitomise those referred to by Sir Robert Menzies as the "forgotten people". For decades the people of Western Sydney, which was once a Labor stronghold, were forgotten—as were the people of Newcastle, the Hunter and the Illawarra. Labor neglects and forgets its heartland. Indeed, it was a breath of fresh air when the Liberal governments elected in 1988 and 2011 stood up for the forgotten people of Western Sydney. We have done more than any other government to try to address the inequity that has been allowed to accumulate over decades not only in cultural institutions but also in health, transport and educational services.

A Labor government established the Powerhouse Museum and I pay tribute to former Premier Neville Wran for his vision for the arts. But the Powerhouse Museum was established in the Sydney central business district [CBD], not in Western Sydney. This further locked in cultural inequity, and that is also true of health, transport and education inequity. I will give an example of one initiative taken by the Greiner Government in 1988 to relocate infrastructure from the Sydney CBD to Western Sydney and why that was so important. Back then it was particularly hard because we were having the Paul Keating "recession that we had to have". The Children's Hospital at Camperdown was relocated to Westmead and the Labor Party kicked, screamed and frothed at the mouth. Labor fought us every step of the way on that project. We not only established Australia's best state-of-the-art paediatric hospital at Westmead but—

**The Hon. Daniel Mookhey:** Point of order: My point of order is relevance. The relocation of the Children's Hospital from Camperdown by the Greiner Government in 1998 may well be stretching the ruling of the Chair of "wide latitude".

**The Hon. CATHERINE CUSACK:** To the point of order: I am making a direct point about the relocation of infrastructure from the Sydney CBD to Parramatta and why that is so important.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I accept that is within the bounds of wide latitude, but the relocation of the Children's Hospital at Camperdown in 1988 falls outside the concept of wide latitude. I uphold the point of order.

**The Hon. CATHERINE CUSACK:** This debate is not really about transparency or business cases and, as previous speakers have said, neither I nor my colleagues wish to be lectured by the Labor Party, much less The Greens, on prudent financial management. The Labor Party left our city in an absolute mess and it utterly neglected Western Sydney, particularly in the cultural space.

**The Hon. Penny Sharpe:** Point of order: The member is flouting the Chair's ruling—namely, this debate should be about an order for papers and the Powerhouse Museum, not a long diatribe about what Labor may or may not have done in the past.

**The Hon. Dr Peter Phelps:** To the point of order: Part of the Government's case is that the precipitous and early release of papers that are used in Cabinet considerations could lead in future to other projects not being able to go ahead. Speaking broadly about the ramifications this order for papers today could have on future infrastructure projects in Western Sydney is directly relevant to the issue, which was raised by the Leader of the Government in his original contribution. The issue is the possible consequences for future projects. The Hon. Catherine Cusack was broadly within the terms of the debate by talking about what can happen if a precipitous release of documents were to lead to a situation where, as in the past, Western Sydney infrastructure needs have become neglected.

**The Hon. Adam Searle:** To the point of order: This is not a second reading debate. The same width of latitude is not to be given in this sort of debate as in second reading debates. The Hon. Catherine Cusack is stretching the bounds further. This debate has been taking place in this House for the whole day and the Government members have amply made the point the Hon. Dr Peter Phelps referred to. There is no stifling of debate here but the Hon. Catherine Cusack is stretching the bounds of relevance. She should be called back to the ambit of the motion before the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I do not believe the Hon. Catherine Cusack was flouting my earlier ruling. I was of the view that the relocation of the Children's Hospital at Camperdown in 1988 was beyond the ambit of debate. I do not believe that the member has returned to that issue. The member has been generally relevant. As to the other point that I should in some way take a narrower view in discussion of this motion than I would in a second reading debate, I am not persuaded that there is that distinction to be drawn. The member has the call.

**The Hon. CATHERINE CUSACK:** I understand why Labor does not want to hear this but, I repeat, the motivation behind this motion is not about transparency or business cases. This motion is about smearing the Government and the case it is making for transferring this iconic piece of infrastructure to Parramatta for the benefit and wellbeing of the people of Western Sydney, in particular the children. That is what is driving the supporters of this motion—namely, to obtain legal information and detailed documentation so they can trawl through it—

**The Hon. Shaoquett Moselmane:** Point of order: My point of order is relevance. The member is stretching beyond what might be called "wide latitude". The member is now making assumptions about what the Opposition may or may not think.

**The Hon. Don Harwin:** To the point of order: It is entirely fair for the Hon. Catherine Cusack to be looking at the reasons why the supporters of the motion are advancing it. In terms of the actual motion and the reasons for bringing a business case, it is entirely appropriate to look at the substance of the proposal.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I do not uphold the point of order.

**The Hon. CATHERINE CUSACK:** In the short time left to me, I congratulate the Government both on its homework and its vision in biting the bullet. Today is yet another demonstration of how difficult it is to rectify inequity once it has been allowed to arise. The cultural inequity between the Sydney CBD and Western Sydney is absolutely breathtaking. This might be a small thing, but it is the best we can do in beginning to bridge that void.

This project is vital to show respect for the people of Western Sydney, which they deserve, and for the children of Western Sydney. The people who are opposing this project do so at their own peril. They are neglecting the principles and causes that we all ought to be championing, which is for every person in this State to have a share of the prosperity that has been brought about by the policies of this Government. At every opportunity we should be seeking to address inequity, and there is no greater area of inequity than in culture and the arts. I absolutely applaud this project and I applaud the courage and the diligence of the Government in bringing this about. It is a responsible, funded project and it will make a huge difference to arts and culture. I also believe the entire wellbeing and identity of Western Sydney will be enhanced by this important project.

**The Hon. MATTHEW MASON-COX (15:50):** I address this important motion. As I foreshadowed in the procedural motion that preceded this motion, I support the Standing Order 52 request for very, very simple reasons. Standing Order 52 requests two documents: one being a business case, be it current or final, that the Government has had in its hands since December, which has been passed through a number of core agencies and which the Government is sitting on waiting to make the announcement; the second one being a preliminary business case that was commissioned a couple of years ago and provided the Government with some information in relation to the ongoing saga of the decision to relocate the Powerhouse Museum.

Members will be aware that I put out in the public arena my views on this matter. I hold very strong views on the allocation of expenditure and the priorities that should be accorded to that. In regard to the Powerhouse Museum, I have made it very clear—which is perhaps contrary to a number of contributions I heard today—that we should have a win in Sydney both for keeping the existing Powerhouse Museum where it is and building a second site, a Powerhouse for Parramatta, at the site that is preferred by the Government beside the Parramatta River. The model I have suggested has been enormously successful in Canberra. Over the past 18 years, 32 million people have either visited the Questacon building in Canberra or have been touched by it through a wonderful program conducted by outreach to regional New South Wales and through science fairs. Questacon is held very dear to the people of Canberra.

Rather than \$1.5 billion, or thereabouts, being spent on relocating an iconic museum that sits as part of the ribbon of the central Sydney cultural precincts, I would rather see that money spent in a few different ways. I would like to see that money being spent on a second site for the Powerhouse Museum at Parramatta—a Parramatta Powerhouse which is commissioned in a way that drives children and families to it and celebrates our cultural areas in Parramatta as well as ensures that we have exhibition space there to house the appropriate exhibitions from the Powerhouse collection. It could be a wonderful hands-on Questacon-style celebration of science and engineering.

Those are the things that I think we can do, and with the up to \$1 billion that we would save we could do something about one of the most pressing problems in this State, which is the appalling situation of our child protection system. I have raised this issue on a number of occasions with this Government—I have raised it with the Premier, I have raised it with the Minister and I am going to raise it again today because I believe our first priority should be towards vulnerable kids and families. I will put to the House a couple of key statistics. Last financial year the Auditor-General, in an audit report recently tabled, identified 59,000 children in this State who had their cases closed.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I have tried to be fair in this debate in giving wide latitude. But points of order have been taken by both sides in relation to whether speakers in the debate are straying from the motion. I know you feel passionately about this and I do not want to circumscribe your right to speak in the Chamber, but if you are proceeding at length in that regard you are moving beyond the subject of the motion.

**The Hon. MATTHEW MASON-COX:** I will briefly make a comment and move on. The report identified 59,000 children in this State who had their cases closed. That is up 4,000 from the previous year. We are spending more money, the situation is getting worse and we need to rethink what we are doing. That is the priority issue. In relation to the motion before the House, it is a fundamental question of accountability and the role of this House to keep the executive to account. We have heard a lot of stuff today about business cases and how the world will fall in if a business case is released. Let us just get a grip. What we are talking about is information that should be in the public domain and that people should understand the way decisions are made. Any Cabinet-in-confidence document, any other commercial-in-confidence document or legal professional privilege document that is released by the Government comes to the Clerk of the House. The Clerk of the House holds those documents and members can go to the Clerk to view them.

The Clerk is not allowed to release those documents publicly. The record of this House has been exemplary in that there has never been a leak of documents held by the Clerk, which is to the credit of all members of this House. I have confidence in that process; it has proved itself over time and we should be very cognisant of that. We are not talking about a business case being tabled for the public to hear—that is absolute nonsense. The reality is that if some member wants to see the business case released, that member will go to the Clerk and ask that the legal arbiter be appointed to review whether or not it is a privileged document, and that will be done by an appropriately qualified person—in this case it is normally Keith Mason. That is the process that we have in place. It is robust, it protects the privileged status of any document given to the Clerk, and that is what we are seeking to do.

This is about accountability—there is no other argument. It will be up to the Government to make a decision about how it will work if this motion is successful today. I will support the motion; it is a matter of public conscience for me. I belong to a party that allows its members to follow their conscience on issues that are a matter



of conscience. I ask my party for its understanding in the decision I have made. I will be voting to support the motion and I hope that it is successful today. It is in the interests of the people of New South Wales that the information can be provided to the public in an appropriate way by the Government.

**Mr DAVID SHOEBRIDGE (15:58):** In reply: I thank all members for their contributions to the debate. I will not list them but I will say that I believe that the contribution we just heard largely summarises my position on this motion and why we needed to move it. I note a couple of very small matters. The Minister said that the Government has never said that there was a \$10 million plan to relocate the Powerhouse Museum. I will read from a press release of 26 February 2015 from the then Premier and the then Deputy Premier in which Premier Baird is quoted as saying, "We want to extend Sydney's cultural ribbon to Western Sydney so we will invest \$10 million to relocate the Powerhouse Museum to Parramatta". It is plain and simple. Everybody supporting this motion wants an amazing first-class cultural institution in Parramatta. The question that is dividing our community unnecessarily is whether one has to blow up the Powerhouse to make that happen and I do not believe that is right. Destroying a cultural icon and dividing one part of Sydney against the other is dead wrong. Let us spend the money, not on blowing up the Powerhouse but on building that amazing cultural institution in Parramatta and then maybe we will have hundreds of millions of dollars left over to do the kind of essential work that keeps our kids safe.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Mr David Shoebridge has moved Private Members' Business item No. 2030, relating to an order for papers concerning the Powerhouse Museum, to which the Hon. Wes Fang has moved an amendment omitting "seven days" and inserting "21 days". The Hon. Scott Farlow then moved an amendment omitting the words "and final or current versions of the" in paragraph (a). The Hon. Mark Pearson then moved an amendment omitting "seven days" and inserting "14 days" and omitting the words "or current versions of the" in paragraph (a). I will put the questions in the order in which the amendments occurred. The question is that the amendment of the Hon. Wes Fang omitting "seven days" and inserting "21 days" be agreed to.

**Amendment negatived.**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question now is that the amendment of the Hon. Mark Pearson omitting "seven days" and inserting "14 days" be agreed to.

**Amendment agreed to.**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question now is that the Hon. Scott Farlow's amendment omitting the words "and final or current versions of the" be agreed to.

**Amendment negatived.**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question now is that the amendment of the Hon. Mark Pearson omitting the words "or current versions of the" be agreed to.

**Amendment agreed to.**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question is that the motion of Mr David Shoebridge as amended be agreed to.

Ayes ..... 19

Noes ..... 18

Majority..... 1

#### AYES

Borsak, Mr R  
Donnelly, Mr G (teller)  
Graham, Mr J  
Mookhey, Mr D

Primrose, Mr P  
Sharpe, Ms P  
Wong, Mr E

Brown, Mr R  
Faruqi, Dr M  
Houssos, Ms C  
Moselmane, Mr S  
(teller)  
Searle, Mr A  
Shoebridge, Mr D

Buckingham, Mr J  
Field, Mr J  
Mason-Cox, Mr M  
Pearson, Mr M

Secord, Mr W  
Walker, Ms D

#### NOES

Amato, Mr L  
Cusack, Ms C

Clarke, Mr D  
Fang, Mr W (teller)

Colless, Mr R  
Farlow, Mr S

## NOES

Franklin, Mr B  
Khan, Mr T

Green, Mr P  
MacDonald, Mr S

Harwin, Mr D  
Maclaren-Jones, Ms N  
(teller)  
Mitchell, Ms S  
Ward, Ms P

Mallard, Mr S  
Nile, Reverend F

Martin, Mr T  
Taylor, Ms B

## PAIRS

Veitch, Mr M  
Voltz, Ms L

Blair, Mr N  
Phelps, Dr P

**Motion agreed to.***Adjournment Debate***ADJOURNMENT**

**The Hon. DON HARWIN:** I move:

That this House do now adjourn.

**GREYHOUND RACING INDUSTRY**

**Dr MEHREEN FARUQI (16:12):** One year ago this week the greyhound racing ban in New South Wales was overturned; just eight months after being introduced. It was a pitiful demonstration of just how cynical politicians can be and a reminder that their convictions can be as changeable as the daily headline of a newspaper. It is an episode in history that has irreparably damaged people's trust in politicians. It was total political opportunism from the Labor Party and complete political cowardice from the Liberal-Nationals Government. A few short months prior the Government had argued effusively that the greyhound industry could not change and must be shut down. It then changed its tune.

While giving the industry yet another chance it did not deserve, the racing Minister declared, "there can be no return to the status quo. Live baiting, cruel treatment and unnecessary killing of healthy dogs will not be tolerated." He also gave the greyhound racing industry \$41 million of taxpayer funds, against the advice of his own expert panel, because the industry would not pay to meet even the low standards of animal welfare that the Government now required of it. In exchange the greyhound racing industry promised that, "No greyhound will be unnecessarily euthanised". But one year on not much has changed.

The much vaunted Greyhound Racing Integrity Commission has not even started work and the code of practice that was meant to end the cruelty and the deaths has not yet surfaced. Trainers continue to get caught drugging their dogs with methamphetamine, amphetamine, human growth hormones and arsenic. If the industry thought we would forget and abandon these animals, they are sorely mistaken. I have been busy submitting freedom of information requests for information from Greyhound Racing NSW. More than 700 greyhounds were killed in the nine months following the backflip. That is almost three dogs each and every day, the same rate as the year prior to all the promises made by the Minister and the industry. More than half of them were put down as "unsuitable for rehoming"—a polite industry term for the disposal of dogs that no longer turn a profit.

In October 2017, Greyhound Racing NSW charged greyhound racing participants Mark Farrugia, Stephen Farrugia, and Donna Farrugia for exporting 166 greyhounds to Shanghai and Macau, which is against greyhound racing rules due to the abysmal animal welfare conditions in these jurisdictions. In Shanghai, greyhounds are raced against cheetahs and Macau is home to the infamous Canidrome, which Grey2K has described as a "death camp for dogs". I was quite curious why Greyhound Racing NSW did not release the names of the dogs, as was customary with other investigations. I placed another freedom of information request for the names and then cross referenced those names and ear brands against greyhound racing websites. One name that stood out was Wandering Mija who was exported to Macau at some point in 2015. The Greyhound Recorder website listed Michael Eberand as the trainer of Wandering Mija. The greyhound was owned by a syndicate called Ebering-Cortis. In April 2017 Mr Eberand was appointed by racing Minister Paul Toole as a director of the reconstituted Greyhound Racing NSW board. Mr Eberand was a vocal critic of the greyhound racing ban.

The simple fact is that the business of greyhound racing cannot survive without the deaths of hundreds of dogs. That is the fundamental maths problem which cannot be overcome. With no breeding cap thousands of dogs bred each year need homes. The industry only rehomed 498 greyhounds in 2016-17. The bulk of the heavy

lifting in rehoming the greyhounds that do survive is done by volunteer rescue groups who are often given an ultimatum: take the dog or it will be put down. But their efforts can only go so far, which means hundreds of dogs continue to be euthanised.

Despite the backflip and the wholesale betrayal of the community by the major parties, animal lovers have not given up. There has never been greater awareness of the cruelty in greyhound racing. This growing momentum is unstoppable. The industry is in a downward spiral because it simply cannot meet even the most basic of animal welfare demands: an end to deaths, drugging and cruelty. The community has learnt an important lesson—the Labor, Liberal and National parties stand not on principle, but for self-preservation, no matter the cost.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** As my son has a greyhound, I leave it at that.

### **THE BASEMENT MUSIC VENUE CLOSURE**

**The Hon. JOHN GRAHAM (16:17):** In the short time that the music inquiry has been running, it has revealed a crisis in the New South Wales music scene. I recognise here today the role of Chair Paul Green and the members of the committee. It is a venue crisis: venues in the City of Sydney area fell by 61 per cent over a decade. Since 2013 live performance revenue has fallen a further 40 per cent and gigs are down by half. The music inquiry has heard why. It has heard about the impact of planning laws on small venues.

Some of the examples given include: multiple instances of mirror balls in venues being banned; the condition of "no dancing, no DJs" was applied to Sydney's radical arts festival, the Sydney Fringe; in Newcastle a ukulele lesson for over 60s at 5.30 p.m. on a Monday afternoon was banned after a single noise complaint; in Terrigal a pub had to defend itself in court after it was accused of breaching the condition of "no rock music". I am no small government zealot. However, there are some things government just should not do. Firstly, government should not tell you what style of music to listen to. Second, government should not tell you when and where you can dance. Finally, no interior decorating—there is no way I would let the planning department or local government decorate my home so why should the rule be different for the State's entertainment venues? We should do as they have done in South Australia and say that these are simply not matters for planning or local government regulation.

It is against that backdrop that the news of the closure of The Basement broke on 25 March. It was our oldest licensed music venue in Sydney. Throwing open its doors on 10 May 1972, The Basement was home for our best songwriters and performers—Deborah Conway, the Whitlams, Kate Ceberano, Paul Kelly, Renee Geyer, James Reyne, Ian Moss, Jimmy Barnes, Tommy Emmanuel, Vince Jones, Don Burrows and Keith Urban. International musicians included: Dizzy Gillespie, Herbie Hancock, Prince, Maynard Ferguson and Taj Mahal.

Over the course of this week I have spoken to many fans, musicians, promoters and members of Parliament who have spoken of their heartbreak to lose this place. I have also spoken a number of times to representatives of AMP Capital, which manages the building at 7 Macquarie Place. They have emphasised their past support for The Basement, having partnered with the business for over a decade. They have also emphasised their willingness to continue to keep it as a live music venue and have already begun an expression of interest process, inviting live music operators to contact them. It has confirmed that multiple music operators have approached it who are interested in continuing to use the space as a music venue. They have offered to be a part of a dialogue with industry and government prior to decisions being made. AMP Capital representatives have also said they would like to see the space continue as a music venue.

I welcome those commitments; that is no guarantee though. The risk remains that Sydney will lose an iconic music space and develop one more restaurant. If London suffered a similar venue crisis, the space would be deemed an "asset of community value" and would be protected. It is the Parliament's business to assert the public interest in retaining a music space in the city. This House did so yesterday when it agreed to my motion, which states:

This House notes the support which the current owners of the property have shown for The Basement and calls on them to consider all options to keep the current space operating as a music venue.

I thank my colleagues on both sides of the Chamber for supporting this motion. I reinforce today that it is the view of this Parliament, the industry and the public that we want to keep music playing in this special place.

### **BLUE MOUNTAINS CITY COUNCIL ASBESTOS CONTAMINATION**

**The Hon. SHAYNE MALLARD (16:22):** Outside the Blue Mountains City Council building in Katoomba there is a plaque on the wall that reads:

In remembrance of the workers tragically killed and injured at work and those who have died from exposure to chemicals and asbestos.

The plaque was unveiled by Mayor Adam Searle in 2010. It is a shame that the council and the mayors have not stopped and paid attention to that poignant memorial because the Blue Mountains Council has not only has acted negligently but also potentially broken the law regarding the safety of workers when managing asbestos in the community. The Blue Mountains City Council is facing an asbestos crisis after an independent inquiry found the council instructed its workers to dig up, transport, and sift through soil it knew was contaminated with asbestos. Those critical failures by the council were driven by cost cutting. An unknown number of workers, family members and the general community were exposed to potentially dangerous levels of asbestos, including one worker who was exposed for an entire month.

The worst case relates to the council's decision in 2016 to build a car park next to the Lawson Community Town Hall and to authorise the transportation of approximately 2,000 tonnes of contaminated soil to a nearby stockpile. The council has sat on the damaging findings of an independent inquiry into this scandal and the council's asbestos management practices. The council has known since 2012 that the car park land was contaminated with asbestos. Workers were then exposed to asbestos when they were instructed by the council to "screen" the asbestos from the soil so it could be reused as fill or be recycled. Both the recycling and the reuse of asbestos waste in any form is unlawful under the New South Wales Protection of the Environment Operations (Waste) Regulation. Voluntary lung screenings are now available for all employees, which are being administered by the Dust Diseases Board. More than 130 employees of the council have been screened and 77 have been deemed as medium-to-high priority based on their potential exposure to asbestos.

The report identifies 10 critical failures in the council's processes which culminated in workers being exposed to asbestos. It also identifies instances where workplace safety regulations appear to have been breached. These acts were identified in the report as a potential breach of 419 of the Work Health and Safety Regulation, which states it is unlawful to "direct or allow a worker to carry out, work involving asbestos". One of the more scandalous exposures relates to the screening of the contaminated soil which was undertaken by a construction worker at the stockpile yard. The screening activity occurred over four weeks by using a piece of machinery called a "hopper" or a "shaker". When the worker discovered and reported what he believed to be asbestos in the soil he was screening, he was instructed by his supervisor that it was not dangerous and was directed to continue working but to stay in the cabin and wear a dust mask. The worker remained concerned and attempted to further protect himself by wearing a higher quality industrial dust mask.

The report found a further three crews were exposed to asbestos while working in the vicinity of the contaminated material at the Lawson stockpile site between April and September 2017. During this period no signs were erected. At least one crew disturbed the stockpile in July 2017 while loading and unloading the soil off a truck during the course of a training exercise. Soil from the stockpile was also used as fill at a private residence. Although this debt-ridden council is in debt for \$44 million, it has splurged \$130,000 opposing the airport at Badgerys Creek. Members may recall that last year it withdrew funding for Anzac Day marches. That decision was reversed after the State assisted.

The council has approved increasing its rates by 40 per cent between 2015 and 2019—this is an extraordinarily high increase. Despite doing so, the council has threatened to close down Katoomba and Blackheath swimming pools. In response to this mismanagement, cover up and community risk, the Minister for Local Government has threatened to suspend the council. The council's response was to waste more money in court against the New South Wales Government. In December, SafeWork NSW launched a full investigation into at least seven contaminated sites that are in breach of work safety laws. Even the United Services Union has alerted workers to their right to refuse to work if they believe they are being exposed to asbestos. I support the Minister's decision to suspend the council. The only way the Blue Mountains community can be confident that this asbestos issue is resolved is with the appointment of an administrator and the recruitment of an external general manager. It will also ensure other issues are not being covered up as a result of this poisonous council culture that has no transparency or scrutiny.

So how did the local State member respond to the mounting asbestos crisis that threatened the health of workers, their families and her constituents? For many months there was deafening silence. Then on 7 March, only a few days after the *Sun Herald* ran a story on the asbestos scandal, she pulled her own media stunt. To divert attention away from her Labor mates running Blue Mountains Council, she exposed herself to an illegal asbestos dump somewhere in the thousands of hectares of the Blue Mountains National Park. This was an attempt not only to muddy the waters but also to undermine the Minister for Local Government in doing her public duty. To quote the Minister:

This is a pathetic attempt to mix the asbestos mismanagement at Blue Mountains Council with illegal dumping.

They are clearly two different things.

If she was a good local member she would have joined with me in raising questions about what has been going on at Blue Mountains Council.

I call on the member for Blue Mountains to stop covering up for her Labor mates on Blue Mountains Council and support the Government's measures to restore competence and transparency in the Blue Mountains Council.

### **CADIA VALLEY MINE**

**Mr JEREMY BUCKINGHAM (16:27):** I make a further contribution on the Cadia gold mine and the environmental catastrophe that has occurred in the headwaters of the Lachlan Valley in the central west of New South Wales. I also wish to read on record some correspondence I have received from a representative of Newcrest Mining Limited, Mr Ian Kemish, Executive General Manager of Public Affairs and Social Performance. Mr Kemish's social performance leaves much to be desired. I would advise him and Newcrest Mining Limited not to attack the messenger but to deal with the serious environmental issues facing them and now the people of New South Wales and, in fact, Australia, as a result of the failure of the dam wall of the northern tailings storage facility, which occurred on 9 March 2018.

Last week I took the time to travel to the beautiful Blayney and Orange region in western New South Wales to witness firsthand what had occurred at that site because it was well reported in the local press. There had been a little statewide and national media attention on the fact that the tailings dam wall had failed just after there were significant earthquakes in the region.

I received this correspondence from Mr Kemish who said, "Your statements were incorrect"—he was referring to previous statements that I had made in this place—"and should not be allowed to stand without correction. Your description of a dam collapsing is a long way from the limited breakthrough of the dam wall that was experienced." That masterful piece of spin doctoring does not stand up to scrutiny by anyone who has visited the site and assessed what has occurred. The tailings from that massive dam, which has leached into the Lachlan River, will be a toxic legacy for this State. No Government members have mentioned an issue that we will have to deal with for generations to come. Hundreds of millions of tonnes of mine tailings, chemicals and heavy metals have leached into the Lachlan River.

When I visited the site I did not witness a limited breakthrough of the dam wall. Three hundred metres of a dam wall that is 70 or 80 metres high had collapsed and millions of tonnes from a tailings dam had leached into the Lachlan River. When the modifications for Cadia East went through and the dam was built, farmers and members of the community said it was a dodgy dam and a dodgy process. We will deal with this legacy for generations to come. Cadia is now scrambling to make good.

As Mr Kemish said, Cadia is building a bund and communities in the Central West will be subjected to cropdusters spraying a bonding agent over the dam to stop water leaching into the watertable. Cropdusters will make 800 separate flights to do so. Cadia is in a panic. The locals in Blayney and Orange have never seen anything like it. Cropdusters are spraying a bright blue chemical agent over the dam but any major rainstorm will result in that dam collapsing. Mr Ian Kemish and Newcrest will not prevent those mine tailings from leaching into the watertable by spin doctoring or attacking me in the media. They need to take responsibility for this issue and the State Government and the Minister need to explain how they will fix horrendous mess.

### **YOUTH HEALTH FRAMEWORK**

**The Hon. BRONNIE TAYLOR (16:32):** It is no secret that the health and wellbeing of young people is a matter of increasing concern. Mission Australia conducted a study in which young people identified issues of personal concern. In fact, 44.5 per cent said that they were concerned or very concerned about coping with stress and 39.9 per cent nominated school or study problems. Alarming, 23.6 per cent nominated depression; 19.9 per cent nominated personal safety; 13.4 per cent nominated suicide; and 8.9 per cent nominated drugs. Suicide, as a subset of injury, is the leading cause of death for young people. Young people living in rural areas are at higher risk of poor mental health, alongside homelessness, the lesbian, gay, bisexual, trans, and/or intersex community and Aboriginal youth. Beyond that, adolescents participating in risk behaviours have issues with healthy living and are starting to encounter sexual and reproductive health issues. Amongst all these issues they are trying to get through their education and set themselves up for the rest of their lives. It is a lot to ask of teenagers.

The New South Wales Government recognises this and has released a NSW Youth Health Framework. The framework identifies a number of barriers that make it difficult for young people to access the help that they need. Barriers include a lack of knowledge about services, difficulty in making appointments and accessing services, and concerns about confidentiality, stigma and embarrassment. But how can we address these issues in a meaningful way? We need solutions on the ground and they need to be brave and innovative. There are a lot of services out there, government and non-government, but it is hard to navigate the system. Last year I spoke about a wonderful announcement we made thanks to NSW Health in Young, for the pilot of a Wellbeing and Health In-reach Nurse Coordinator.

I am pleased to say that our first nurse has been placed and I recently had the pleasure of meeting him. Brendon Scifleet is an amazing fellow. With a clinical background in adolescent mental health, he is so approachable and down to earth and perfect to connect with kids at the three State schools in Young. I had the pleasure of meeting Brendon last Thursday and Friday on two of the happiest occasions of my time as a member of the Legislative Council. We will be announcing a further two school nurses to help our young people in southern New South Wales, all thanks to the generosity of Snowy Hydro. Snowy Hydro is an amazing company; it is so committed to its communities and not just in its mission statements. It is so much more than bricks and mortar, tunnels and dams. Snowy Hydro puts its money where its mouth is—more than \$2 million in community partnerships each year. It invests in communities in which its staff live and work to make those communities stronger.

The Snowy Hydro Southcare chopper was a famous example of this, but it is particularly strong when it comes to investing in young people and education. Snowy Hydro supports the Clontarf Foundation and the Cooma University Centre and now it has come on board to fund school nurses based in Tumut and in Cooma. Not only does this support the towns in which they operate and provide better opportunities for the families of their staff; it invests in its future workforce. As a big believer in these kinds of partnerships, I was thrilled when Snowy Hydro agreed to come on board with the school nurse pilot. Generously, it is providing \$520,000 for a two-year pilot. One nurse will be based in Tumut.

I visited Tumut last Thursday 5 April with the great local member, Daryl Maguire. Alongside Don Dixon, Principal of Tumut High School, Jill Ludford from the Murrumbidgee Local Health District and Guy Boardman from Snowy Hydro, I had the opportunity to chat with students about what this could mean for them. One student summed it up beautifully. He said that the nurse would be a window to the outside world. Kids might have run into a brick wall when it came to their health and wellbeing, unable to see where they could access help, but these nurses will help to make it clear, open up opportunities and pathways, and show them the way to a healthier life.

On Friday 6 April I visited Monaro High School in Cooma. I was joined by the Deputy Premier and Paul Broad, Chief Executive Officer of Snowy Hydro. Also with us were Wendy Attwood, Principal of Cooma Public School, Belinda Jamieson, Principal of Cooma North Public School, and Adrian Bell, Principal of Monaro High School. The second nurse will be based at the high school but will work with kids at the primary schools and have the potential for outreach into other communities. At Monaro High School, in front of some of its heritage classrooms—another Snowy Hydro legacy—we spoke to students about what this meant for them. The reception was really heart-warming. Students and teachers were excited about what this could mean for students and how it could contribute to a happier, healthier and more productive learning environment.

The program will have a strong evaluation process, as does the position at Young, which I welcome. I believe in this program and I am optimistic and excited about it. We have seen it in other schools and States and it makes a difference. I think it can do the same for the health and wellbeing of students in Young, Tumut and Cooma. When I became a member of Parliament I hoped that I would make a difference. Last Thursday and Friday it felt like I had.

### INDUSTRIAL RELATIONS ENTERPRISE AGREEMENTS

**The Hon. GREG DONNELLY (16:37):** Barely a week goes by without a major story breaking in the media that workers somewhere in this State are being exploited, in some cases terribly, by their employers. That exploitation can and does have many faces but one of the most egregious is the underpayment of wages and conditions. The issue of a worker's hourly rate of pay is not a matter of conjecture or uncertainty. Hourly rates of pay, penalty rates, shift loadings and allowances are all clearly specified in awards and enterprise agreements. They are laid out in black and white and employers are legally bound to pay them. Employers can of course pay more than is provided for in the award or enterprise agreement, but they cannot pay less.

The industrial instruments set a minimum floor that employers are obliged to meet. In New South Wales, and indeed Australia, workers have been fortunate to have these minimum entitlements established and enforced going back over 100 years. It is no exaggeration to state that the legally enforceable minimum rates and entitlements set down in awards and enterprise agreements have contributed significantly to making Australia the relatively egalitarian society that it is today. However, there is no question that this situation is unravelling before our eyes, and it has been for a number of years.

I draw to the attention of the House this afternoon a recent report released by the Fair Work Ombudsman entitled "Western Sydney Campaign Report" dated March 2018. The report makes for sober reading. It arises from an education and compliance campaign undertaken by the Fair Work Ombudsman in Western Sydney. Businesses visited were located in suburbs including Cabramatta, Fairfield, Mount Druitt, Merrylands, Guildford, Wetherill Park, Parramatta and Harris Park. Of the 197 businesses audited it was found that 127 or 64 per cent were not compliant with all requirements under the workplace laws; 83 or 42 per cent were not paying their

employees correctly; 70 or 36 per cent were not compliant with record-keeping and pay slip requirements; \$369,324 was recovered from 57 businesses on behalf of 199 employees; and 26 formal cautions, 11 compliance notices and 20 infringement notices were issued.

I expect that all members, irrespective of their political persuasion, would find that report alarming. The amount of non-compliance with workplace laws is very disturbing. The fact that unpaid wages and entitlements had to be recovered from almost 29 per cent of employers audited should be seen as a matter of great concern. Let us be clear: What we are talking about is theft—wages theft. The workers who provided their labour to the employers were entitled, as a minimum, to the wages and entitlements provided for in their awards. That is the law. Sadly, what was uncovered in the report of the Fair Work Ombudsman were not isolated examples. Every day across industries around the State tens of thousands of workers are not getting paid their correct wages and entitlements. Unions NSW, the State's peak union body, has also been doing some significant work regarding non-payment or underpayment of wages and working conditions.

I draw the attention of members specifically to a report released last year entitled "Lighting Up the Black Market: Enforcing Minimum Wages". The report looked at research involving analysing job advertisements in two separate audits conducted in March 2016 and April 2017. Overall, 78 per cent of the businesses examined advertised rates of pay below the relevant minimum award rate. On average, underpaid jobs were advertised at \$14.03 an hour, representing an average underpayment of \$5.28 an hour when compared with the relevant minimum awards. The lowest rates of pay were \$4.20 an hour for a nanny and \$9 an hour for an office clerk. In 2015-16 the minimum award rates for those jobs were \$18.91 and \$18.38 respectively.

I could refer to other reports and pieces of research to demonstrate that the underpayment of wages and entitlements in this State is a large and growing problem. The time has well and truly come for this matter to be brought out into the open and looked at thoroughly. It is stealing and it must be stopped. Members on my side of the House are acutely aware of the problem of wages theft that is facing workers and their families in New South Wales. It is for those reasons that the Labor Party has announced that if successful at the State election in March next year it will bring legislation before Parliament that will outlaw wages theft. It will criminalise the deliberate failure of employers to pay wages and other entitlements. The legislation will provide significant fines for companies and jail terms for individuals found guilty of wages theft. It is time that the rogue minority who set out to rip off their workers is pulled into line. It will be a Foley-led Labor government that will do it.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 16:42 until Tuesday 1 May 2018 at 14:30.**